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NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER: J B ABERNETHY

THURSDAY 6 APRIL 2000

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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

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Mr A Hill with Mr M Papallo assisting the Coroner
 Mr J Harris for The Cruising Yacht Club of Australia
 Miss C Adamson for Mr R Kothe

PART HEARD

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CORONER: Before we start, Mr Harris, those proofs, where are you up to?

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HARRIS: Proofs of evidence?

CORONER: Yes.

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HARRIS: I think the bulk of them would be with Mr Hill by approximately a fortnight, your Worship.

CORONER: A fortnight?

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HARRIS: Yes.

CORONER: All right, I'll go along with that.

HARRIS: They are well on under way but--

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CORONER: That's the 21st. What's the delay, what's the problem?

HARRIS: Well simply the amount of work involved in it.

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CORONER: Well how many are you getting?

HARRIS: Well everyone that's been called, your Worship.

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CORONER: All right, I'll go along with that. The 21st. I'll make a note on the papers I think to remind myself.

HARRIS: The major problem is with Mr Balls. We've contacted him but he's in the Philippines at the moment.

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CORONER: I understand there will be problems. I don't push it too hard, but if I could have the proofs to Miss

Lazzarini.

HARRIS: And I assume your Worship there's no problem with us dribbling them in in effect and sending some sooner?

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CORONER: No, that would be better. You can send them in, a batch in, if they're ready, that'll be a help. And I say by 21 April. The letter that was said to accompany the BOM list of phone numbers - was it the list of phone numbers?

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HARRIS: Yes, that's right.

HILL: It was the list of phone numbers.

CORONER: That's being found or--

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HARRIS: It definitely has not been found.

CORONER: It hasn't been found. Are we still looking or are we--

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HARRIS: I think it's fair to say we've stopped looking.

CORONER: We think we're not going to find it?

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HARRIS: Exactly.

CORONER: I think that's all. Is there anything else, Mr Hill?

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HILL: No, I think that's about it.

CORONER: Is there anything else before we start? I think you were concerned about the issue of the lanyards.

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HARRIS: Yes.

CORONER: All the evidence I have is that they had an Australian Standard on them, and I think to the balance of probabilities that will be a finding of fact.

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HARRIS: Yes, thanks, your Worship.

CORONER: I've got no evidence that anyone sort of put them on in some improper way.

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HARRIS: No.

CORONER: It's inconceivable that that wouldn't be the finding of fact.

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HARRIS: Thanks, your Worship, yes.

HILL: The next witness is Mr Hugh Hurst and his evidence is about the clips on the harnesses and the difficulty that one has undoing them when under pressure in different situations. He has a short video, and I plan to take him through the video and he will tell us exactly what is

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occurring during that.

<HUGH GORDON HURST(10.27AM)
SWORN AND EXAMINED

CORONER: Have you got the statement number of this witness? 5

HILL: Yes, it's additional documents, volume C46. I think I might have a spare one here actually, Mr Coroner. Do you have a copy of that, Mr Coroner? 10

CORONER: No, it's not C46. Thank you.

HILL: Q. Could you give us your full name please?

A. My name is Hugh Gordon Hurst. 15

Q. And your address, sir?

A. Is 398 Roella Road, Kayena, Tasmania 7270.

Q. And your profession?

A. I am a lecturer at the Australian Maritime College in survival and seamanship. 20

Q. And if you could tell us of your qualifications?

A. I - my qualifications are one of past experience. I went to sea at the age of 15 as a deck officer, working my way up to first mate in the Merchant Navy, working in the North Sea as a deck officer in various facets. I then came to Australia in 1978 and was in the New South Wales Fire Brigade for some 12 years, then moving to Tasmania and taking up a lecturing position at the Australian Maritime College with them in seamanship survival and other areas. 25 30

Q. You've produced a 16-page document which is your report for the Coroner relating to yacht harnesses and lanyards? 35

A. That is correct.

Q. The lanyard, as we understand it, is the piece that connects the harness to some portion, strong point, on the vessel itself. 40

A. That is the tethering system, yes.

Q. You did various tests using various clips and the results were actually looked at on a film, is that right?

A. That is correct. Portions of the film we have here today to view for an example. 45

Q. Perhaps if we could run that film and you could tell us what is happening at the time.

A. Certainly. 50

VIDEO TAPE SHOWN

A. These tests were conducted last September and they will start with a diver dressed in offshore wet weather gear with an inflatable life jacket, being tethered to a heavy weight at the bottom of a swimming pool at 4.2 metres. His task is to release himself from both the lower point on the lead 55

blocks, you see, and then again come down and do it from the chest position. These tether lines have two positions at the chest and at the furthest end. Various harnesses you can see were trialled along with the lanyards, and we have a scale and a discussion to each diver, these are police divers, well trained, as to the degree of difficulty and that is in a descriptive rating scale you have in your report. As you can see, the life jackets are inflatable, made for inflation, and we have two divers there to stand by for any dangers. This of course was done in a simulated situation with 24 degrees temperature of seawater, fresh water. The tether lines or the lanyards have to be released, these ones we're looking at in an off load sense, so one has to pull oneself down to enable to get some release to push the clip, double action, single action, whatever it may be. There are various different types that we've trialled. This drag down method and hold down method were - was reasonably achievable by all the divers that did it, although they did say there was some degree of difficulty. The more times they practised, the easier it became for them to do it. Some of the clips were difficult to release because of a little hook at the end, and each one had its own small problem.

Q. So basically you have to take the weight in your hand--
A. That is correct.

Q. --to release the buckle itself?
A. Yes. At the time of doing this video we only had those harnesses or the lanyards which had clips at the end, Carabena type clips or spring loaded clips, where you have to actually pull yourself towards it to enable to actually release the weight from the lanyard, so that is the case, yes.

Q. And they had no problems with - or they don't seem to have any problems with a release or such thing where there is no pressure from the other end?
A. No.

Q. They're simply anchored as it were?
A. Where they were in control in this controlled situation, they achieved this method quite simply, yeah.

Q. That he's got on there, that's a jacket with a life preserver and the harness all in one is it?

A. That is what they call an integral harness, yes. It's - that's a Stormy Seas type offshore jacket and it has a flotation device within the jacket as well as a lanyard attachment point to it, so it is just really a ring which couples together like a seat belt in the front of you and then the lanyard goes from there on, so you could use that type of jacket and a different lanyard. Here we're just doing a drag through the water to simulate perhaps being dragged under the water or through the water by a vessel, and indeed we do another one where we actually roll off the top of a vessel. This again was done with varying life jackets and various harnesses and lanyard release systems.

The majority of them were quite hard to release when there was pressure on. There was one system that we trialled which was not standardised at the time of the video, which is not licensed, and that was an on load release system.

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CORONER: Q. A what?

A. An on load release system whereby that if there is weight on the hook, we can actually release the system.

HILL: I will be going into that later, Mr Coroner.

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A. This gentleman here is actually - these are the in the water drags. You can see they prepare themselves with a good gulp and then they have roughly 25 metres to release. Nine times out of ten it was either 23 or 24 metres before they would effect release and this partly is due to the fact that we had to slow down before we hit the bulkhead, in other words hitting the--

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CORONER: Q. So when it was on full pressure, they just couldn't seem to do it?

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A. No, and that was at approximately - I worked it out to be approximately four knots, three to four knots, varying speed. We had people on the end of a rope pulling them, so the speed would be varying a little. That was a coastal life jacket which is a non-inflatable type, it's a permanently inflated or a permanent composite life jacket. Here they're being dragged off the side of the wall and you'll see again they have to pull the lanyard into their chest to effect release. There is a component here by the more times that they practise it, sometimes they made it a little bit easier, but it was still quite a degree of difficulty, as I've table in the report, and the distance, a lot of it being 23, 24 metres, nearly the maximum of the pool, and some unable to effect release at all. That was such.

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HILL: Can you stop the film at this stage.

Q. Basically then if the vessel is doing four knots and you're being dragged at four knots, you must exert just over four knots to pull back. That's the reality of that?

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A. That is the reality, yes.

Q. In order to release that pressure off?

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A. Or you have to exert that pressure by basically pulling your arm in, have that strength, have that dexterity, and of course have no injuries.

VIDEO TAPE SHOWN

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A. Again that was a fail to complete, difficult to get.

Q. And this is with all different types of clips?

A. Various clips, various harnesses, and this is the coastal life jacket which is used by a lot of the fishing industry as not really the offshore industry. They use - tend to use more the inflatable type. These are a full

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composite, so you're not relying on an automatic inflation or something that might go wrong. They've got quite a padded bit in the front of your chest. These of course were highly trained divers from the Hobart Police Force.

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CORONER: Q. So you'd expect them to do a lot better at this than the average crew person of a yacht?

A. That is my belief. Their level of fitness is somewhat higher than my own and--

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Q. And they're in the water more often.

A. And they're used to the water, they're used to the environment to which they're working in, plus the fact the adrenalin level would have been zero, and no injuries. This is another one of the Stormy Seas type jackets which has a recovery strop. It's not a helicopter strop that we're looking at there but it's something that we can actually - well can be - enable a person to be dragged back out of the water, and we were just testing the level of comfort which you will see from the evidence here that it wasn't overly comfortable when we actually lifted the person out of the water. He's actually grimacing quite a lot, saying put me down again. But to be fair, the jacket is not designed to do a helicopter rescue in that sense.

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HILL: Q. But it is designed to actually pull him out of the water--

A. Yes.

Q. --presumably by some sort of--

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A. As a retrieval, by grabbing a boathook around it or something or somebody being able to grasp that person, then retrieve them back into the boat again.

Q. That's from the centre isn't it?

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A. That is from the actual retaining clip which would be used as a tethering clip or a tethering point for the lanyard, and again that is more for the safety of a person that falls over the side so they can be retrieved, or indeed if the vessel capsizes they should let themselves go. This is actually a type of helicopter strop which is put on like an overcoat in this respect, or it can be slipped over the feet and wiggled up the body. It's used by most of the rescue services or some of the rescue services to retrieve people out of the water. There is this type and there's a double seat type. People that are suffering from hypothermia should really be lifted in a horizontal position for medical reasons and hydrostatic squeeze that is lost. That would be the normal method of recovery by most helicopter operators.

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Q. I noticed with that that he had to keep his arms down. How do you manage with an unconscious person?

A. If you have an unconscious person, generally speaking, if you're in a life raft and you have unconscious people, the person to go up would be a non-unconscious person to allay the fears to the helicopter crew. That person would then be specially rescued by either a diver going down from

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the helicopter and using a double seat method or a stretcher to return.

Q. I notice there's difficulty with that. What's the--

A. Yes, this is one of the clips that was used. The clip actually has got a little hook - if you just rewind there a minute and pause please. A good acting clip to undo with the yellow handle which you squeeze, but right at the end of the gate, where the gate closes, there's actually a lip so you can actually undo it and then you haven't actually gone, you're still caught by that little bit so--

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CORONER: Q. The difficulty is predicated on the force, if there's force there's difficulty, is that right?

A. That's right. When I tried it myself I've actually unclipped it and thought I've been unclipped but I haven't, and then I've had to go that little bit more, so you're actually having a double go at it, a double go at the unclipping. If you just move it on a little, he gets caught just on this - on that last piece there. But that could be changed by using a different type of harness, a harness which had a built-up ring around it, so the pieces of equipment have to be married properly.

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HILL: Q. That's a release there is it?

A. That's an off load release - an on load release tag which goes onto the other end of the harness which is permanently secured with a hook and a ring which clips together, and that's in his right hand. That is permanently shut and with weight being on that permanently by pulling the string midway up the harness or in the mid-section of the harness, an on load release can be achieved.

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Q. Perhaps if we stop there. You have one of those in front of you.

A. Yes.

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Q. That's by Stormy Seas and I think that you still have problems with that one as well?

A. To be fair, this I see now has been stamped, but the one that we used wasn't through Australian Standards at the time. These in their essence I think are a good idea because they can achieve release from - away from the chest, away from the life jacket, but they do run a very small line through the centre which actually pulls the hook open. If there's a lot of twisting on this or fouling around rigging or side rails, if it continues to go like this then it still is going to be very difficult to release, but it's still by far the best that I've seen. That I think could be overcome with further work on the model, maybe some form of flexible conduit or maybe even a tape that runs through the centre. I'm not an expert on this.

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CORONER: Q. Superior to the other types?

A. Only in the fact that you can put a lot of weight onto this, an awful lot of weight, more than I can carry myself, and by purely pulling the lanyard here--

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Q. It releases.

A. --it releases this end and that--

Q. How did that type go in the swimming pool?

A. In the swimming pool that was very easy to achieve. It was achieved within distances of probably 10 to 12 metres and in periods of five to six seconds in release. 5

Q. So it's superior to the other ones?

A. It was superior to the other ones. 10

Q. In those tests.

A. Yeah. We're actually conducting a few trials here out in the mouth of the River Tamar, and these speeds were a lot greater than in the pool. You're looking at approximately seven to eight knots here in salt water. The hand being raised means that I can't breath any more, I want to let go, and we have a release system on the parent vessel by which we can release the diver so we don't drown him. 15

Q. What sort of clip was he using?

A. He was using the yellow clip to start with and he found it - he was using this one and he found it difficult to find the tag in that first one. 20

Q. So it's the same type?

A. Yes, I believe so in this one, yes. Now this was getting towards the end of the day so the divers would have been a little bit more-- 25

Q. Tired.

A. --tired. They'd had quite a long day, if I remember rightly. The hand goes up again and we release from this end so that he's not put into any danger. 30

HILL: Q. That is the quick release strap?

A. That is the quick release and he's basically saying that although he could locate the tab, he couldn't get at the actual lanyard. It was very small, it's a very - it's only approximately three or four millimetres diameter in rope. There he did achieve one release. 35

Q. Which was he using then?

A. He was using this one again. 45

Q. This quick release one?

A. Yeah. We then went onto the static one and we found that because we were achieving nothing, then there was no point in continuing this any further and we were just basically wasting our time, out of all those we couldn't release. 50

Q. When you say you went onto the static one, what sort of - were you using?

A. The - I'd have to look on my notes but I believe, and I'm not quite sure of this, it would have been one of the double acting clips, the Carabena type spring loaded gear, or this double acting one here. I'd have to confer on that. 55

Q. And they just weren't achieving any progress?

A. No, they did not have enough strength to physically pull themselves up to get that off load release system, to achieve that off load release.

Q. And the only release you had was with that quick release?

A. Yes.

Q. But even that--

A. That was only achieved by using the drawstring in the centre, not by using the clip at this end. These clips proved very difficult in the controlled situation we there - we had to squeeze and actually release. We could achieve it in the pool after some practise or dry wet or wet runs come to that, but in the real world it was very hard to achieve.

Q. I think you set out the table of your findings and it starts at page 8?

A. Yes.

Q. You have the number of tests?

A. Yes, those results ..(not transcribable).. 3.1.

Q. The harness type and the lanyard type, the degree of difficulty release from the chest. Now 4, which way do we look at--

A. Five was the absolute most easiest and zero or 1 - zero was a fail to complete and 1 was extremely difficult. Most of those were done in the drag down release systems where you first saw the lead blocks on the bottom of the pool. Those were released with the divers at the bottom. When we go through to 3.2 which is drag through the water and release, the variance then, the test 1A and 1B were very difficult and we basically slowed down towards the end of the pool, 24, 25 metres so we didn't bang their heads against the wall. You can see there it's 20.5 metres, took the time - a distance and 23.5. Not recorded was that one. Test 2A degree difficulty was 3, and 2, the release of lanyard whilst being dragged sideways from the pool wearing a PFD coastal life jacket was fail to complete, the reason for that being the coastal life jackets are quite bulky, and the harness being underneath you had to actually lift the life jacket up and then get to the harness itself, the release system.

Q. Well I don't intend taking you through every particular test because we have seen what you've done, and I'm certainly not looking for a recommendation in the sense of that particular quick release, but that quick release appears to be the one that was better than the others. Is that how you found it?

A. From the findings that we undertook in those surveys, basically yes. Between six and four seconds it took to release in a controlled situation in the pool, and it was superior to the other types.

Q. But even that you can see problems with?

A. I think in the conditions that arose from that evening, yes, there will always be conditions that could - could cause problems with these systems.

Q. And even the trained diver I think only achieved the one release-- 5

A. Yes, that is correct.

Q. --out of I think three or four was it?

A. Out of four. 10

Q. Out of four?

A. Yeah.

Q. So even that one that came up the best, as it were, or better than the others, does require more work on it? 15

A. To be fair, I haven't seen this latest one which I see now has got a model number on it in operation, but certainly in September when we trialled the first one of these it was good but it wasn't to my mind the best, and I haven't seen the best yet. 20

HILL: I have nothing further, thank you, Mr Coroner.

ADAMSON: No questions, your Worship. 25

HARRIS: No questions, your Worship.

CORONER: Q. You've got 5 and 5, page 8, the Burke B3, the BL8 lanyard. 30

A. Page 8, your Worship?

Q. Mm.

A. Yes. 35

Q. What is that?

A. Five and five, the Burke B3 was the harness type and the Burke BL8 was the lanyard type, they were combined, and in that test it was basically quite a simple one. In the drag down and release, that would have been number 3 of the tests that was trialled where there divers were in the water, were being pulled down to their lead block, and they managed to-- 40

Q. And that worked well?

A. I - to be fair, I think that they practised a couple of times. They were used to the holding the breath, they were used to what was going on. You can see from the first test was the degree of difficulty of 4 and 3 and so on and so forth, so although the tests were conclusive I don't think they could be 100 per cent because there was a you know, a fair involvement of getting used to the equipment, getting used to the system we were using. But a general view was that in that drag down and release they could do it because they were in still water - fresh water of course, less density, they can pull themselves down and were fresh for the day, it was a morning session, they could release themselves, and of course at sea they found it a lot more difficult. 50 55

Q. What do you call this mechanism beside you?

A. This one?

Q. Yeah.

A. Well in my training I call it an on load release mechanism. We use it a lot for rescue boats, for quick release where we can actually have weight on it, have a lot of weight, and we can actually just pull on the release lanyard and with weight on it it will release.

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Q. I suppose your test are that is to you the most promising of the things?

A. In its design, yes, in its design.

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Q. But you feel it definitely needs enhancement to the twisting, thinness in the twist and make it harder to release?

A. Yes.

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Q. And also the release cord area where one gets at the release cord, it could perhaps be bigger?

A. I think this itself could have its own problems, but I think maybe a flat webbing which would go through from - or a conduit but with some form of toggle which would protect so it wouldn't be caught on railings or halyards or something. But that's my personal view, and I concerned myself about the twisting and going around of deck railings and that sort of thing. You can imagine the sort of turmoil.

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CORONER: Thank you very much Mr Hurst for your help.

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<WITNESS RETIRED

<RUTH MAY PLUMMER(10.53AM)
SWORN AND EXAMINED

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PAPALLO: Q. Miss Plummer, can you please give this inquest your full name?

A. Ruth May Plummer.

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Q. And your address?

A. 100 Western Beach Road, Geelong, Victoria.

Q. You are and you were when it was created a director of Tuff Marine Accessories Pty Limited?

A. That's correct.

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Q. You say that Tuff Marine Accessories was in fact a business name registered in about 1984, is that correct?

A. Yes.

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Q. When was it that you registered the company Tuff Marine Accessories Pty Limited?

A. I think it was 12 months after that or--

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Q. And was part of the business of Tuff Marine Accessories making harnesses and lanyards for yachts?

A. Yes.

Q. When did you commence manufacturing harnesses and lanyards?

A. The prototype work was done between 1983 and 1986. 5

Q. How many prototypes did you make?

A. We would have made overall about 10 prototypes.

Q. When you say we, who are you referring to? 10

A. Well I'm talking about my factor.

Q. How many did you say?

A. Would have made around 10 prototypes. 15

Q. That was up until 1986?

A. That's correct.

Q. What did you do with those prototypes?

A. Well the prototypes were just kept separate from everything else and those particular prototypes would have - when the business closed down in 1990 would have been transferred to Melbourne. 20

Q. So as at 1986 you had created or manufactured 10 prototypes. Were they harnesses or harnesses and lanyards? What were they? 25

A. They were harnesses and harness lines.

Q. When you say 10, you mean 10 sets? 30

A. Yes.

Q. So 10 lanyards and 10 harnesses?

A. Ten lines, yes. 35

Q. What was the purpose of creating the prototypes? Was that to get it like--

A. To Australian Standards.

Q. Were each of those prototypes different or were they all the same? 40

A. The harnesses were the same.

Q. What about the lanyards?

A. They were - we had two separate lanyards. 45

Q. So what was the difference between the two sets of lanyards?

A. One lanyard was a rope line, the other one was a webbing line. 50

Q. So what happened in 1986?

A. We - we actually got approval from Australian Standards.

Q. If I can just show you a document, this is the Standards Association of Australia licence for what I believe is the harness that you're referring to? 55

A. Yes, that's correct.

Q. So that's actually for the harness and the lanyard, is that right?

A. No, that's just the harness.

Q. Well if you look over to page 2--

A. Yes.

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Q. --it refers to the product which falls within the licence. Can you just read that out please?

A. Model 1119A yachtsman safety harness with adjustable waist belt and 1.8 metre webbing line, and a 999B yachtsman safety harness with adjustable waist belt and 1.8 rope line.

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Q. So the 1.8 metre webbing line is the lanyard, is that right?

A. That's correct.

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Q. So what's been approved is the harness and the lanyard?

A. No, the line couldn't be approved without having the harness on it.

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Q. Okay, but they both have been approved as a set?

A. Both - well they had been.

Q. Is that what you're saying?

A. Those two had been, but it was the line that was - that was actually the approval we got.

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Q. Yeah, that's right.

A. Yeah.

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Q. So the line and the harness both fall within that licence?

A. Yes, they do.

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Q. Thank you. So once you received the licence from Standards Australia, what did you do?

A. We manufactured them.

Q. When you say, you're talking about you?

A. The company.

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Q. How many did you manufacture?

A. I don't know.

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Q. Was it more than 10?

A. Yes.

Q. More than 100?

A. I would say yes.

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Q. Is it less than 500?

A. Yes.

Q. Well can you narrow the field between 100 and 500?

A. Two hundred thereabouts.

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Q. When did you manufacture those?

A. Most of them were manufactured between 1986 and 1990.

Q. When you say 200, are you referring to - I just want to be clear on this - are sets of harness and line together?

A. No.

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Q. So what are you referring to when you say 200?

A. Would have been combined, a mixture of harnesses and lines--

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Q. So half and half?

A. No, I wouldn't think so.

Q. Well what was the fact?

A. We probably made more harnesses than we did lines.

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Q. How many more harnesses than lines?

A. I really don't know.

Q. I mean I would imagine that if someone's going to purchase a harness, it's pretty useless without the line. How are orders placed for these things?

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A. No, that's not correct because a large number of people purchase their own lines because they wanted different clips, so we actually sold them as in - lines as individuals and the harness separately as well. We had code names for the three of them.

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Q. And of the 200 pieces or units of harnesses and lanyards together, of those 200 how many did you actually end up selling?

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A. What do you mean by that?

Q. Well you manufactured 200. How many did you sell?

A. I'd say the 200 because I don't have any of - I don't know whether any went back to Melbourne in the stocktake, so I can't answer that.

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Q. Well I want to be clear on this. Did you sell the 200 or did you not?

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A. The 200 were manufactured.

Q. Yes, but did you sell them?

A. I don't know.

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Q. So you don't know if you sold any of them?

A. I don't know whether any was in the - yes, we sold a lot of them but I don't know - sorry?

Q. Nearly all of them or just a few?

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A. We probably would have sold I believe 150.

Q. So this took place between 1986 and 1990?

A. Majority of them, yes.

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Q. And during that period there was a change in the shareholdings of the company, is that correct?

A. The company closed down.

Q. Can you please explain what happened?

A. Yes, I was - Tuff Marine was a part of the group of Ford Holdings Limited, a public company who owned people like Puma, Piping Hot. They were in financial difficulty and they came to see me and said that they - that Tuff Marine was a viable business and they would do everything they could to sell the business, but as the time went on they didn't sell the business and they closed the business down on the 14 March 1990.

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Q. So if I can just take a step back. They wanted to purchase from you the business of Tuff Marine?

A. Originally?

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Q. Yes, is that--

A. In 1987.

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Q. So they approached you to buy the business, is that right?

A. They approached me to buy 80 per cent of the business.

20

Q. Did they actually purchase 80 per cent?

A. Yes, they did.

Q. So they became 80 per cent shareholders?

A. Yes.

25

Q. That is, the company Ford Holdings?

A. Yes.

30

Q. Became 80 per cent shareholders of Tuff Marine Accessories Pty Limited?

A. No, they reached the name Tuff Marine Australia Pty Limited.

35

Q. And that was in 1987?

A. Yes.

Q. So you retained a 20 per cent shareholding?

A. Yes.

40

Q. What were you doing - what was your duties at that time?

A. My role was managing director.

Q. And as managing director you I suppose oversaw--

A. Yes, the whole business.

45

Q. --everything from manufacturing to administration?

A. Correct.

50

Q. The premises at which the business was conducted was still the same premises at which you were conducting the business beforehand, is that right?

A. That's correct.

55

Q. And that is 100 Western Beach, Geelong, Victoria?

A. Yes.

Q. So you said earlier on that the business closed down at some stage?

A. Yes.

Q. When was that?

A. On 14 March 1990.

5

Q. Why did the business close down?

A. Because Ford Holdings required it to be done, their superiors required it to be closed down and I believe Ford Holdings went into liquidation.

10

Q. And so what happened with your shareholding?

A. I was paid \$1 for it.

Q. And so you transferred--

A. I resigned as a director and stepped down from the business and then the business was audited by auditors in Geelong. All stock, plant was shipped back to Melbourne. 5

Q. Okay, so you actually resigned and gave up your shareholding on 14 March 1990? 10

A. 1990, that's correct.

Q. So you were no longer involved in Tuff Marine Accessories Pty Limited?

A. No, Tuff Marine Australia. 15

Q. You refer to Tuff Marine Australia, you're talking - was that a company that you had some involvement in?

A. Tuff Marine Australia was a part of the Ford Holdings Group, they registered Tuff Marine Australia when they bought the 80 per cent shareholding and the business operated in that time under Tuff Marine Australia. 20

Q. So when you say you retained a 20 per cent shareholding?

A. In my - I sold 80 per cent of Tuff Marine Accessories to Ford Holdings who then traded that 80 per cent under Tuff Marine Australia. Tuff Marine Accessories, my company, lay dormant. 25

Q. So the business you say closed down in March 1990? 30

A. Yes.

Q. What happened with the plant and materials?

A. It was all shipped back to Melbourne. I was not involved in the stocktake in any way, I only know that it was shipped back to Melbourne by Blakeson(?) Carriers and there was a very large amount of stock that went back. 35

Q. When you say a very large amount of stock, how--

A. It was all finished goods, work in progress, plant, equipment, just everything to do with the business. 40

Q. And how much stock was there?

A. I believe there was about \$700,000 worth. 45

Q. Part of that \$700,000 worth, did that include harnesses and lanyards, to the best of your knowledge?

A. I don't know but it may have been included in - I don't know whether any finished goods of it but there could have been work in progress. 50

Q. I just want to clear one thing up. You say that the business prior to it closing down was trading under the name Tuff Marine Australia?

A. That's correct. 55

Q. But the licence that was issued by Standards Australia was issued to Tuff Marine Accessories?

A. That's correct.

Q. How do you explain the use of - first of all, do you know whether Tuff Marine Australia used the Australian Standard that was issued to Tuff Marine Accessories? 5

A. Yes they did, which they were quite entitled to do because I was the licensee, Ruth Plummer was the licensee responsible for them and Tuff Marine Australia had every right to use me using those licences. 10

Q. That's not strictly correct, is it, because isn't it Tuff Marine Accessories not Ruth Plummer that holds the licence? 10

A. I'm responsible for the licence and it was me that got it. We did notify Australian Standards as the name of the business had changed. The fact that the premises had not changed, there was not a problem with Australian Standards. 15

Q. If I could just show you another document. This is another certificate, sorry, licence issued by Standards Australia by this one's dated 8 November 1991. 20

A. Yes, that is because Australian Standards changed their mark from the triangle to that mark at the top and all licences were re-issued under the new mark, that's all that is. 25

CORONER: Q. But you say you weren't operating at that stage?

A. In 1991 I was. 30

Q. You were?

A. Yes.

PAPALLO: Q. So in March 1990 all stock and plant were shipped off to Melbourne? 35

A. Yes.

Q. What happened next with that, as far as you know?

A. Well, the reason that Tuff Marine closed down I was told because they couldn't find a buyer and I had a fax come through to me on 14 March 1990 which indicated that the business had been sold to a chap called Len Allen, in Melbourne. 40

Q. For how much? 45

A. Well, I didn't know anything about the amount at the time, only until this inquest came up and I was told by one of the directors - previous directors of Ford Holdings that it was sold to Len Allen for \$100,000. But I was also - and so Len Allen I believe bought the business but he did - certainly didn't buy it in Geelong, he was in Melbourne. 50

Q. So Len Allen bought the business - the business was closed down so he basically bought the plant and materials for \$100,000? 55

A. I don't know what the contract was. I believe he bought the business of Tuff Marine Australia but I don't know that for sure.

Q. Is he still running that business today?

A. I don't know.

Q. I think you say that shortly after that, this occurred in around about March 1990?

A. Yes.

Q. You say shortly after that, in about July, August or September you actually ended up purchasing some machines and some materials from Ford Holdings in Melbourne, is that right?

A. Yes, that's correct. My understanding is that Len Allen didn't pay Ford Holdings and they repossessed what he had and I believe took legal action against him. I was able to go to Melbourne and purchase some of the - I actually purchased some machinery and I purchased some Enchant(?) fabric which is a ski clothing fabric or an ocean racing clothing and I purchased some fabric called Cordura which is like haversack material which actually went with the Enchant and I actually started business again.

Q. The sewing machines and the material that you refer to, were they part of the plant and machinery that was formerly--

A. That went back to Melbourne, yes.

Q. Okay, that was part of--

A. Yes they were.

Q. That was part of the business before?

A. Yes it was.

Q. So you purchased that and what did you do with it, particularly the sewing machines?

A. Well, I just set up in business again, contacted Australian Standards and said that we were - I was now re-operating under my old business name and I think it was at that time it became a company. I'm not too sure when it became a company. And I continued business under the name of Tuff Marine Accessories.

Q. You actually conducted the business with your sister and another lady, is that correct?

A. No, I was Tuff Marine Accessories on my own.

Q. But did you purchase the machinery and the materials with your sister--

A. Yes.

Q. --Pauline?

A. Yes, that's correct, yes. And another lady.

Q. What's the other lady's name?

A. Joyce Hood.

Q. And so you say that they didn't run the business with you, so--

A. They didn't run--

Q. --who actually purchased the machines?

A. Sorry?

Q. Who actually purchased the machines, as between you, your sister Pauline and Joyce? 5

A. The machines that I used in Tuff Marine Accessories I purchased.

Q. And so what did they purchased?

A. They purchased some machinery as well. They didn't purchase anything to do - they made professional fishing clothing, welded professional fishing clothing. 10

CORONER: Q. Their business was different to yours-

A. Absolutely. 15

Q. --and unrelated?

A. That's correct.

Q. They happened to purchase some of the machines? 20

A. Yes they did.

Q. And you purchased other machines?

A. Yes. 25

Q. From the old company?

A. That's correct.

PAPALLO: Q. What was the purpose of purchasing the sewing machines? 30

A. To go back into manufacturing. I actually--

Q. To go back into manufacturing what?

A. I primarily concentrated from 1991 in obtaining licences for coastal lifejackets and the SOLAS lifejacket, that's what I did for - to get those licences it took quite some months to get them and that was the majority of the work that I did. 35

Q. Do you recall when you went to Ford Holdings to purchase the machines and materials if there were any harnesses or lanyards remaining? 40

A. There was none of that type of stock there, there was just nothing of that. It was only in a very, very small room and it had probably a dozen sewing machines and even the material that I purchased, I had to go into one of their factories called Spoga(?) where they had that stock there. They manufactured some sort of sporting clothing there. That was - I didn't see any other things of Tuff - of what we had. 45 50

PAPALLO: Your Worship, I think I should tender those two documents, not having tendered them at this point.

EXHIBIT #32 TWO DOCUMENTS TENDERED, ADMITTED WITHOUT OBJECTION 55

PAPALLO: If I could also show the witness a further

document.

Q. That's two pages of copied material that you're holding?
A. Yes, yes.

Q. That comes from a source document that's in your possession?

A. That's correct.

Q. Can you please explain what those two pages--

A. This page is - it's dated 13 October 1989 and it's called batch 2 TF250 quantity 50 and it says labels 213 631 to 213 681, 50.

Q. What I'm saying is that that is a register, is that correct?

A. That's correct, yes.

Q. And what is it a register for?

A. A register for the yachtsman's harness and lines.

Q. It records what? Does it record--

A. It records 50 harnesses.

Q. Having been manufactured or sold or what?

A. I don't know because this is 1989. These may well have gone back as work in progress to Melbourne.

Q. If you look at the other page which came from the same--

A. Yes, that's - yes.

Q. --document, it's got the heading manufacturing register?

A. Yes, that's correct.

Q. Is that other page that had the date, 13 October 1989, is that referring to harnesses and lanyards that were manufactured at that time?

A. Not necessarily. That's when the batch numbers were taken out.

Q. So the batch numbers that you're referring to, are they - they're the numbers--

A. They're the Australian Standards small label with their mark on it that goes onto the harness.

Q. How many of those Australian Standard batch numbers or labels have you ordered?

A. I don't know. I can't remember.

Q. Was it more than 10, more than 100?

A. Yes, probably ordered in a batch of 200.

Q. Is it more likely to be closer to 1000?

A. No.

Q. Because I had Senior Constable David Upston call quality assurance this morning and the information that I was given is that you were given batch numbers all up 213001 to 214000

which equates to 1000.

A. We didn't make 1000, nowhere near it. The labels could have gone back to Melbourne.

Q. So are you saying that Tuff Marine Accessories Pty Limited did not receive 1000-- 5

A. Definitely not.

Q. --labels from Standards Australia?

A. No, definitely not. 10

PAPALLO: Your Worship, I'd like to tender that other document as well.

EXHIBIT #33 REGISTER FOR MANUFACTURING OF THE HARNESSES AND LINES TENDERED, ADMITTED WITHOUT OBJECTION 15

PAPALLO: Q. Have you got copies of your statements with you?

A. Which ones? 20

Q. The two records of interview that were conducted with the police?

A. No I haven't. 25

Q. If I can just take you to your record of interview dated 8 March 2000, page 16. I'm looking at question 113 and it reads - the question reads "okay, but you agree that no harnesses were made after 1990, is that correct" and your response is "yes I do". 30

A. It's not correct.

Q. It's not correct?

A. No. 35

Q. Can you please give us the correct position?

A. I did make harnesses.

Q. You did?

A. I made - yes I did, I made 12 harnesses in 1993. 40

Q. Who did you make those for?

A. Zac(?) Speed.

Q. If I can show you what you've provided me with this morning which looks like a carbon copy of an order book or a delivery docket book? 45

A. Delivery docket.

Q. Can you please explain to his Worship what that delivery docket shows? 50

A. Yes, it is a delivery docket number R89 dated 16 May '93 to Zac Speed from Tuff Marine. It is the supply of 12 TF250 yachtsman's harness, seven TF4 85R May West and two TF207 drogues and replace tapes on two TAFT coastal lifejackets. 55

Q. Now it refers to 12 harnesses?

A. Yes.

- Q. So does that include the harness and the lanyard?
A. No.
- Q. How can you be certain of that?
A. Because the TFT250 was the code number for the harness only. 5
- Q. I've got a price list issued by Tuff Marine Australia for 1989 prices. Can you just look at that please?
A. Thank you. 10
- Q. So you say that what was supplied was only the harness?
A. Yes.
- Q. Or the harnesses, being the TF250 which is referred to in that price list? 15
A. Yes, the price list states that a TF250 safety harness standard pull over head style line not included, \$45.60.
- Q. Is there a separate product which is specifically the lanyard, the line? 20
A. Yes, a TF252 and a TF253.
- Q. What's the difference in price? What's the harness worth? 25
A. The harness was \$45.60 and the lines - one of them was \$60.60 and the other's \$52.80.
- Q. Have you got - I notice that that really is only a delivery docket book? 30
A. Yes.
- Q. Have you got a copy of the invoice?
A. I don't have, I only have the invoice number which was number 00016. 35
- Q. Where did you get that invoice number from?
A. It's on here. This was--
- Q. I notice that on that carbon copy is - you've got some handwritten notes on that? 40
A. Yes, it's got the prices on it which I priced it and the harness is priced - I sold it for \$46.40.
- Q. When did you price - when did you write those figures on that document? 45
A. It would have been in May '93, because this was the book used to process the invoice. It's also got code numbers written down the side and it's costed and that is not my writing. 50
- Q. Sorry, which is not your writing?
A. The red writing is not mine, it was done in the office.
- Q. Can I have that book back please. So with all deliveries that are made at some time afterwards someone makes an entry on the delivery docket book of how much is to be invoiced for each product, is that right? 55

A. I would have priced them, I personally would have priced them immediately I did the job and it goes through the process of having the code numbers and costed and invoiced.

Q. I notice that the price that you've noted for the harness is different to the price on the price list? 5

A. Yes, it's \$45.60 on the price list and I charged \$46.40.

Q. Why would that be?

A. I don't know. 10

Q. So just going back to the second record of interview at question 113, why is it that you told the police that you had not made any more harnesses after 1990?

A. I'd just like to express that on that particular day that they came down to see me I was actually going into hospital the next day, to have surgery and I really - and to be perfectly truthful, I just wanted them to go. 15

Q. In that same interview, before they asked you that question, I can see from question 18 on page 3 they actually showed you the delivery docket? 20

A. Yes they did.

Q. And so after seeing the delivery docket you maintained that you had not manufactured those 12 harnesses? 25

A. Yes, obviously I did.

Q. So you're basically saying that you were just a bit anxious about going to hospital the next day? 30

A. I was very ill that day.

Q. You mentioned that before you were issued the licence by Standards Australia a certain number of prototypes were made? 35

A. Yes.

Q. How many were they?

A. I would say that all up the prototypes would have been a maximum of 10 units. 40

Q. How many were sent for testing?

A. In the original testing you only had to have the harness tested like I did originally but in 1993 the reason that I did not supply lines to Zac Speed, because at that time Australian Standards requested that the hook be a double action hook and I was unable to find a double action hook so I did not make the lines. And it was at that stage also that Australian Standards, the new regulations, said you had to have one in 200, or two in 200 tested. 45 50

Q. If I can just take you again to that same record of interview of 8 March 2000, question 108 on page 15. The question reads "okay, so how many prototypes do you think you made in all" and you reply "gosh, the original times we would have made 20 thereabouts". 55

A. Mm. I don't know how many we made to be perfectly truthful.

Q. So you're really not sure if it's 20 or 10?

A. I'm not real sure how many we made all up.

Q. But you go on to say - I think you've already said that of the prototypes that you got made 10 were sent for testing? 5

A. I believe 10 would have been.

Q. So are you saying that what's - the answer that you gave in this second record of interview is incorrect? 10

A. Yes I am.

Q. So basically are you saying the whole record of interview is incorrect because of the fact that you were going into hospital the next day? 15

A. Well, I certainly wasn't thinking properly that day.

Q. At the end of that record of interview, and I'm looking at question 145, there's an open invitation made that basically - I'll just read it. It says "okay, so is there anything you would like to say in relation to what we have sort of just put to you" and what was put to you in the record of interview - have you got that? 20

A. No, I've only got to 108. 25

Q. Hang on, I'm looking at--

A. The first one.

Q. --8 March 2000, page 20. Page 20? Down the bottom. And I'm reading from question 145. It says "okay, so is there anything you would like to say in relation to what we have sort of just put to you" and just to let you know what was put to you in the record of interview was that possibly one of the prototypes was inadvertently supplied to - ended up on Sword of Orion and in response to that, first of all there's no audible reply and then question number 146 reads "in relation to these lanyards and harnesses?". And then you say "well, I suppose I can't offer any other explanation for them being so different". And then the next question is "yes, so you would agree with the scenarios that I have put to you in your mind" and you say "yes in my mind I would have to". 30 35 40

A. Excuse me but I recall very clearly that I was told that that's the only answer there could be at that time, but there's no way known that those prototypes could have become involved at such a late date, they would have been well and truly off the premises. 45

Q. Why do you say they would have been well and truly off the premises? 50

A. Because the last prototype work was done in 1986 and when Tuff Marine closed down everything left the premises, including the prototypes and there were a lot of prototypes of various different products that we made. 55

Q. So basically you're saying the prototypes would have gone from Geelong to Melbourne?

A. Yes.

Q. And so too would have the Australian Standards labels?
A. Could have done, yes.

Q. You said that you had nothing to do and you didn't see any stock, it was all taken away from you and taken to Melbourne, is that right? 5
A. Yes, that's correct.

Q. And you had the labels didn't you?
A. We had some of the very old labels that had the triangle on them. 10

Q. And so you - did you have anything to say about them, that is Ford Holdings, taking your labels belonging to Tuff Marine Accessories? 15
A. No, they belonged to Tuff Marine Australia at the time, it was part of their stock.

Q. The licence was issued to Tuff Marine Accessories Pty Ltd and you said before that you were the licensee in effect? 20
A. But Australian Standards accepted the fact that the name of the business had changed for that period of time and the licences you might say were virtually loaned to Tuff Marine Australia. 25

Q. Loaned by whom?
A. I had no right as Tuff Marine Accessories in the agreement I had with them to make them on my own, they could only have been made under the name of Tuff Marine Australia, that was part of the agreement. 30

Q. The agreement with whom?
A. With Ford Holdings, they virtually purchased Tuff Marine Accessories and I ended up with 20 per cent holding in Tuff Marine Australia. 35

Q. You're saying that Tuff Marine Australia through this agreement - sorry, Ford Holdings with this agreement that you had with them could use the Australian Standards licence? 40
A. Yes they could.

Q. But you knew that Tuff Marine Australia was not - I mean, they had no permission to use the licence? 45
A. Yes they did, from Australian Standards. We notified them and Matt Creighton from Standards was well aware of it. He knew exactly who we were. We've since changed it again.

Q. If I can show you another document. That's an Australian Standards licence or it's actually a renewal of - what appears to be a renewal of the licence that you got in 1986 but it's got the words Tuff Marine Australia on there? 50
A. Yes, we notified Tuff Marine Australia.

Q. But someone's actually pencilled over that and written Tuff Marine Accessories? 55
A. It's not my writing.

Q. You don't know anything about that?
A. No I don't.

PAPALLO: I tender those documents, your Worship.

WITNESS: Excuse me, that isn't the yachtsman's harness,
that's a PFD1. It's not a yachtsman's harness.

PAPALLO: Q. What's a PFD1?
A. PFD1 at that stage was called a lifejacket.

Q. When you were issued your licence by--

CORONER: Do you want them tendered--

PAPALLO: Yes please.

CORONER: --on that basis.

EXHIBIT #34 BOOK TENDERED, ADMITTED WITHOUT OBJECTION

EXHIBIT #35 RENEWAL CERTIFICATE TENDERED, ADMITTED WITHOUT
OBJECTION

PAPALLO: Q. Miss Plummer, when you were issued the licence
by Standards Australia in 1986 what was your understanding
of the marking requirements of the product?
A. You mean the label?

Q. Yes.
A. There were two labels on it, one label which indicated
who purchased - who actually manufactured the product. That
label was put on by the manufacturer. The Australian
Standards label was the one that was batched and that was
the number and I believe that by placing the Australian
Standards label on it, believe it to be an approved -
Australian Standards approved garment.

Q. You refer to the marking put on by the manufacturer.
What was your understanding as to what was to be contained
in that marking?
A. It was to - I can't remember to be honest. It was to
tell you - I can't remember what it was.

Q. I'll just read for you a section of the Australian
Standard which refers to marking and it says that "safety
harnesses and lines shall be clearly and indelibly marked as
follows" and the important part is this "the name, the trade
mark or other means of identification of the manufacturer
and the date of manufacture shall be marked on both safety
harnesses - sorry, safety harness and safety line". Now, if
I can just show you - I'm just showing you a harness. Can
you please look at the label, the manufacturer's label?
A. Yes.

Q. Is that your label?
A. Yes it is.

Q. That is Tuff Marine Accessories--
A. That's correct.

Q. --Pty Ltd label?
A. Yes.

5

Q. I couldn't find the date of manufacture on that label.
Is it there?
A. No it isn't.

10

Q. Why not?
A. Because it wasn't required when I first made the
harnesses but I believe it is required now.

Q. When did you think it became a requirement?
A. I don't know.

15

Q. You said it's required now and it wasn't required
before?
A. I don't know whether it has been required but we weren't
required to put the batch number on them.

20

Q. So you're not sure now whether it was required, or has
been required?
A. I'm saying that I didn't believe it was required at the
time.

25

Q. When was that time?
A. When I made them.

30

Q. When did you make that?
A. This one here would have been made - I gave the police
this harness. I actually borrowed it from one of the yacht
owners in Geelong. This would have been made approximately
12 years ago.

35

CORONER: Q. About 1988?
A. Yes.

PAPALLO: Your Worship, I won't bother tendering the
Australian Standard, we've got it in the brief.

40

CORONER: No.

PAPALLO: Q. You gave two interviews to the police
assisting the Coroner and in the first interview you were
shown amongst other things a lanyard of this type. This was
from the Sword of Orion. I'll just show you it. Do you
recognise that?

45

A. No.

50

Q. So you're saying it was never shown to you?
A. Yes, it was shown to me, yes.

Q. It was shown to you in the first interview?
A. Yes.

55

Q. In the first interview you said that that was not a

lanyard made by Tuff Marine Accessories?

A. Yes I did.

Q. You basically said you had nothing to do with the manufacture of that line?

5

A. That's correct.

Q. In the second record of interview - I withdraw that. The reason you said that that was not - the various reasons why you said that was not made by you was one thing was the buckle, is that right?

10

A. This hasn't got a buckle. The hook.

Q. The hook on the end?

A. Yes.

15

Q. Are they hooks that you used?

A. No, we used an RF787 and an Innox(?) hook. This has got no markings on it at all.

20

Q. The label on that, does that have Tuff Marine Australia on it?

A. Yes it does.

Q. How do you say that marking would have got on that line?

25

A. Well I don't know how it got on it, unless it was one of the - was part of work in progress that went back to Melbourne. That's the only explanation I can give.

Q. So by work in progress it would have been work--

30

A. Part finished work.

Q. And that was part finished work when you were managing director of the company?

A. When it closed down.

35

Q. When you were overseeing the manufacturing?

A. I'd say this at the time that - when it closed down would have been part of work in progress, if that's the case.

40

CORONER: Q. So you're saying that the people - it's likely that the people who took over the business, the stock, have finished it using Tuff Marine--

A. It's quite possible.

45

Q. --Tuff Marine standard?

A. It's quite possible but there is no standards label on it, it's only got the Tuff--

50

Q. Tuff Marine label I should say.

A. It only recognises this.

Q. You're saying on oath you had nothing to do with it?

A. I did not make this or have anything to do with it. It's nothing like the harness we made, the line we made and I didn't supply any lines for the - to Zac Speed for the Sword of Orion.

55

PAPALLO: Q. Can I show you another harness. Do you recognise that?

A. It's the same style, exactly the same style as the harness I make.

Q. It's exactly the same colour?

A. Orange, yes, as were all orange.

Q. The same stitching?

A. Look, I don't know. I don't know whether it is identical to the one we made. I believe the harness itself is exactly the same, the style is exactly the same and - yes.

Q. So you're just not sure if the stitching's the same?

A. No I'm not. Only - I'm just not.

Q. You're not sure?

A. Not 100 per cent sure.

Q. Do you have any idea what the stitching is like on the harnesses that you made?

A. Yes, on that harness I gave - you showed me before.

Q. Is this the same as the one that you've got there?

A. I don't think it is. The other one seemed to have more stitching on it, heavier stitching.

Q. That has a Tuff Marine Australia label on it?

A. Yes it does.

Q. How do you think that got on there?

A. I don't know. As I said, these could have been part of work in progress, or--

CORONER: Q. Could it be that you did make that?

A. That could be. But it's certainly - if you look at the other harness, it's certainly not made - not stitched as heavily as--

PAPALLO: Q. There's no question about that. The stitching on this is like - looks like more than twice the amount of stitching that's on that.

A. Exactly.

Q. That's the harness that comes from the Sword of Orion?

A. Uh hmm.

Q. This is not?

A. Mm.

Q. So when the business closed down and there was this deal to sell - that you knew of, to sell the business or the plant and materials to Len Brown--

A. Len Allen.

Q. Sorry, Len Allen. I withdraw that. When you went back to purchase the sewing machine and materials from Ford

Holdings you knew at that time that the business, Tuff Marine, had closed down?

A. Yes.

Q. Did it concern you that you had Australian Standard patches lying around? I mean, you didn't even know where they were. Did that concern you at all?

5

A. I didn't have any lying around.

Q. Sorry?

10

A. I didn't have any lying around in Geelong at all.

Q. Hang on. You had all your stock and plant taken from Geelong to Melbourne?

A. It wasn't mine, it belonged to Tuff Marine Australia.

15

Q. It was the business's?

A. Exactly.

Q. But the business had closed down?

20

A. Yes it had.

Q. And the licence that was issued was issued to Tuff Marine Accessories Pty Ltd, right?

A. Uh hmm.

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Q. When you were trading with Ford Holdings that's the licence that was used and the business closed down and so basically the agreement that you had in place with Ford to use the Australian Standard label was basically defunct, because I mean there was no business any more? The business had closed?

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A. Yes, that's right.

Q. So did it concern you that you had these Australian Standard labels that were issued to Tuff Marine Accessories Pty Ltd just sitting somewhere?

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A. They weren't sitting - the ones - are you talking about the ones that I've still got?

Q. No, I'm not talking about the ones you've still got, I'm talking about the ones that were taken from Geelong to Melbourne.

A. Well I resigned as a director from it. I had no part in--

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Q. I'm not saying that. Were you concerned with the fact that you had these labels transferred from Geelong to Melbourne and basically you had no control over them?

A. Exactly right, I had no control over it.

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Q. Did you have any concern whatsoever that someone was going to get their hands on it and use it?

A. It didn't even enter my head to be honest. When the business closed down, I closed down with it.

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Q. So having thought about it carefully, is there anything in your second record of interview that is the truth?

A. In my?

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Q. In the second record of interview.

A. Do you want me to sit here and read it then?

Q. Well no, I'm basically saying how much of it was the truth? I mean you said that the answers you gave, you just gave because you were nervous about going to hospital.

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A. I answered it to the best of my ability that day and I certainly didn't tell any lies.

Q. You didn't?

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A. No. If I answered incorrectly that's exactly what I did, it was incorrect.

Q. Did you tell the police that you were going to hospital the next day?

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A. The police knew I was going, yes, they knew that, they knew.

Q. How did they know that?

A. Because I told them on the first interview on the 13 February that I had an illness and that I would be going into hospital shortly, and they phoned me to say they wanted to see me, which was the day before I was going into hospital.

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Q. When you created these prototypes, where were they kept?

A. They were kept in a - in a particular box and stored in the store in a particular place.

Q. Did this particular box have particular markings?

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A. Yes, samples only.

Q. For how long did you have that box? Was it just sitting there the whole time?

A. What do you mean just sitting there?

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CORONER: Q. Until you closed.

A. It was not within view of anybody coming in to be able

to take anything.

Q. Yes, stay in the business at Geelong until it--

A. Until it closed.

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Q. Until it closed?

A. Yes.

Q. What happened then?

A. Well everything went to Melbourne. I don't know what happened to them.

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Q. Including the box of samples?

A. Yes, they went to Melbourne too, but the actual yachtsman's harness that had been tested, they would have had written on them do not use, test - have been tested, and they - nobody would ever use them I would think if they had any sense, and they would have had tested right across them.

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PAPALLO: Q. When you send the harness and lanyard to Standards Australia for testing, do you get those back or do they remain with Standards Australia?

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A. They came back and they had written across them do not use, tested.

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Q. What did you do with them?

A. They were stored.

Q. In that box?

A. Yes.

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CORONER: Q. So they'd have gone to Melbourne too?

A. Yes.

CORONER: I'll take a break Miss Plummer, you've been in the witness box for a while.

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<WITNESS STOOD DOWN

SHORT ADJOURNMENT

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<RUTH MAY PLUMMER

ON FORMER OATH, EXAMINATION CONTINUED

PAPALLO: Q. Miss Plummer, could I just show you two harnesses. The first one is the harness that you say you manufacture and that's with the pretty extensive stitching, and the other harness is one of the harnesses that were supplied to Sword of Orion?

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A. Excuse me, but there's something I need to say. The interview on the 8 March, I was given a tape after the interview was over and the tapes that I tried to play had a hissing sound through them, a whistling sound, and I was told that I would receive a hard copy of the interview, and I have not to this day received that ..(not transcribable)..

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CORONER: We'll make sure you get one today.

A. Thank you.

PAPALLO: Q. So you've got there a harness with the extensive stitching which you say that you manufacture?

A. Yes.

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Q. And you've got the harness that was supplied to Sword of Orion?

A. Mm hmm.

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Q. The stitching is quite minimal would you say compared to yours?

A. The stitching is less. However, the harness is no - is no weaker because the harness's strength is by the actual webbing wrapped around and wrapped back up again and going right around the body. The stitching on this harness would still stand a test.

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Q. So why is it that you in--

A. Look, I don't know. That harness was made 12 years ago.

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Q. Let me finish my question.

A. Sorry.

Q. Why is it when you produce or manufacture a harness recently, which is the recently manufactured one - not that one, the other one - the one with the massive stitching--

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A. This one?

Q. That one is one that was manufactured 12 years ago, is that right?

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A. Yes. Are you referring to the line or are you referring to the harness?

Q. The harness. You've got the two harnesses that you're looking at?

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A. Yes.

Q. The harness with the massive stitching.

A. The harness itself is not massive stitching compared to this one.

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Q. Well there's more stitching than the other one?

A. Yes, there probably is.

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Q. Well there is, isn't there?

A. Yes, there is.

Q. The harness with more stitching, that was manufactured 12 years ago?

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A. Yes.

Q. That was about 1988?

A. Yes, '88/'89.

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Q. Why is that you manufacture a harness with let's call it extensive stitching in 1988, and then in 1993 when you supply Zac Speed with the other harness there's minimal

stitching?

A. Well there's not minimal stitching. There's - there's - the actual stitching, the important part of the harness is stitched properly.

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CORONER: Well less extensive stitching.

A. It's less, yes, it's not minimal.

CORONER: No, less extensive stitching.

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PAPALLO: Q. So why is it that you've used less extensive stitching in the harness that was supplied in 1993?

A. I can't answer that. I don't know.

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Q. Well you were in charge of manufacturing. You're the only one who can answer that, isn't that right?

A. I was in charge of manufacturing, yes, and in charge of the licence that I--

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Q. Were you in charge of any staff at that stage that were manufacturing--

A. In '93?

Q. Yes.

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A. No, there was no staff manufacturing, only me--

Q. So you personally made that?

A. I would say I did. The only thing that bothers me about that harness there is that it seems to be a lighter thread. It just seems a bit different to be perfectly truthful, and it doesn't have an Australian Standards label on it either.

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Q. Well it would be nice if you were perfectly truthful. That is the harness that you made in 1993. You personally made that with less stitching, and it bothers you does it?

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A. No, it doesn't bother me because the harness is strong enough.

Q. Well what bothers you about it? I think that was the word that you used.

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A. I'm not bothered about it at all.

Q. Well you just said you were bothered by it.

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CORONER: Q. You did make it didn't you?

A. Well I believe I did make it, yes, in '93.

PAPALLO: Q. You've seen the lanyards that were supplied to the Sword of Orion?

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A. There's one over here.

CORONER: Yes, that's one. We'll make them an exhibit.

Q. I'd like you to compare the stitching of the '93 one with Mr Charles's lanyard and the stitching pattern.

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A. I didn't supply any lines to Zac Speed.

Q. Don't worry about those.

A. Okay.

Q. Assume that went with that harness. Doesn't it look as though it did?

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A. No, it doesn't.

Q. Why?

A. This is stitched in red stitching and we did - never ever used the red stitching which was only used in buoyancy, and it's got bar tacking on it. Definitely didn't do any bar tacking.

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PAPALLO: Q. Well on Sword of Orion there were supplied 12 harnesses.

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A. The harness.

Q. Yeah, 12 harnesses.

A. Twelve of those.

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Q. Yes, and 12 lanyards.

A. No.

Q. Well you can take it from me that there were 12 lanyards in Sword of Orion.

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A. I'm sorry but there weren't 12 supplied by me.

Q. Well I'm not saying they were supplied by you, I'm saying that they're 12 lanyards on Sword of Orion and they're 12 harnesses supplied by you. They're both the same colour and they both have a label which links its manufacture to Tuff Marine Australia or Tuff Accessories. Have you got any explanation how those 12 lanyards got on Sword of Orion?

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A. I have no idea.

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CORONER: Q. Have you any explanation how Tuff, the Tuff label is on those lanyards?

A. I thought I'd given that explanation earlier, when those labels actually went back to Melbourne.

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Q. So you're suggesting--

A. That these lines--

Q. --under oath that that was done after the business closed and the product, the stock, including the Australian Standards and the labelling, went to Melbourne from you?

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A. This - I don't know where this line came from. I know I did not manufacture it and I have never seen it before.

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PAPALLO: Q. Well who would have put that label on that lanyard?

A. I don't know.

Q. You have no idea?

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A. No, I haven't.

Q. So the labels left Geelong, went to Melbourne and that's

the last you've ever seen of them?

A. Of these labels here?

Q. Yes.

A. This here?

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Q. The label on the lanyard.

CORONER: Tuff label.

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A. No, that's not the case. I had some of these labels here in Geelong as well.

PAPALLO: Q. When did you have those?

A. We had some labels left over down here which I would have used on my harness but--

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Q. Left over?

A. Not left over, there were some of these labels in Geelong.

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Q. When?

A. After 1990, some of that label.

Q. So you actually kept some of the labels?

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A. I didn't keep any. They were just left behind and there was only a few of them at that.

Q. And what else was left behind, prototypes?

A. Nothing. No, no prototypes left behind, nothing.

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Q. Or any of the Australian Standards labels left behind?

A. The only Australian Standard labels that I had were the ones that were previously - had the old label on it, and I gave a photostat to the police which labels were there. They weren't a new label.

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CORONER: Q. Well can you give me any explanation as to how the Tuff label came to be on that product?

A. No, I can't. I can only - and it's only assuming that these were part of work in progress.

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Q. But you say some Tuff labels went with the closure to Melbourne?

A. Yes.

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Q. And you don't know where they went after that?

A. That's right.

Q. But you had nothing to do with any of the gear that went to Melbourne except to buy back machines and things?

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A. That's correct.

Q. Is that basically right?

A. Yes, it is.

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PAPALLO: Q. When you say with the plan and materials there were labels that went from Geelong to Melbourne, who

would have got those?

A. I don't know.

Q. Well who were you dealing with at Ford Holdings?

A. Michael Webb and Ken Mitchell. 5

Q. Michael Webb?

A. Michael Webb.

Q. And? 10

A. Ken Mitchell, the two previous directors of Ford Holdings and Tuff Marine Australia.

Q. And it was Ford Holdings that took or that transported the materials from Geelong to Melbourne? 15

A. Not personally. I believe they went back on Blakeston Trucks.

Q. What trucks?

A. Blakestons. 20

CORONER: Q. Were they a courier type transport firm?

A. Yes, that's correct.

Q. But who would have ordered that job, who would have ordered Blakestons? 25

A. They would have been - they would have been ordered by the previous directors because I'd added to the things to be signed.

Q. And those previous directors are? 30

A. Ken Mitchell and Michael Webb.

Q. So if we start asking them things, they might be able to give us some answers about things like Tuff Marine labelling. 35

A. Exactly.

Q. Australian Standards docketts.

A. Mm, work in progress. 40

PAPALLO: Q. If Zac Speed supplied the 12 lanyards to Sword of Orion and you didn't manufacture them, are you suggesting that Zac Speed made them themselves?

A. No, certainly not. 45

Q. What are you suggesting?

A. I'm suggesting that Zac Speed - our harnesses were in a little red bag. The harnesses - I'm suggesting that they didn't supply any lanyards to Sword of Orion. 50

Q. Well if you're suggesting that you didn't supply the lanyards to Sword of Orion and it was Zac Speed that was basically purchasing the fitout for the boat, are you suggesting that Zac Speed may have made these lanyards themselves? 55

A. No, I'm not suggesting that at all.

Q. Well where would they have come from?

A. I don't know. I don't believe Zac Speed did on-sell them - any lines because they only sold the harness at \$60, and if they on-sold or bought some lines for someone they would have sold them for well in excess of \$100.

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CORONER: You'd better put to the witness what we have from who was it, Mr--

PAPALLO: No, I've spoken to the constable and that issue isn't in that statement.

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CORONER: It isn't, all right.

PAPALLO: So I can't put that. I have no further questions, your Worship.

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CORONER: Have you any questions?

ADAMSON: No questions, your Worship.

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CORONER: Mr Harris?

HARRIS: No, your Worship.

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<WITNESS RETIRED

CORONER: We're going to call Mr Hurst very briefly again on one other issue which is of interest to the Cruising Yacht Club, I think.

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<HUGH GORDON HURST(12.30PM)
RECALLED, ON FORMER OATH

HILL: Q. Mr Hurst, during the break, over discussions you said that it's quite possible the Australian Maritime College is willing to have people come up and actually do demonstrations and training for individual yachtsmen rather than them having to go down to Tasmania. Is that correct?

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A. That is something that we are recommending that's put into place. We currently offer courses on the ground in Tasmania and we are looking at the moment to the eastern seaboard of Australia and getting local providers who are credited under our licence to teach for us, or indeed for us to possibly the country perhaps using local facilities and train people for whatever dedicated training course they require, be it yachtsmen, be it fishermen, be it whatever. That is what we're going to do.

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Q. Supposing for instance that it was a requirement for offshore races such as the Sydney to Hobart that 50 per cent of the crew must be trained in righting life rafts and undoing harnesses under pressure and things like that.

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Would it be possible for the Australian Maritime College to actually say during the September or the October and say right, we will run a course for so many crewmen during that two weeks or something like that? Is that a possibility?

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A. That is definitely a possibility. There would be very

minimal limitations on that, obviously a place to do it and some trained personnel if it wasn't us that were going to do it. They would have to be accredited to deliver such a course and the course would be to a curriculum document which would level it across the country.

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CORONER: Mr Boyle told us a bit about that.

HILL: Q. So that in effect say yacht clubs people who actually teach and demonstrate within yachts could acquire an accreditation--

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A. Correct.

Q. --under your supervision at the same time that that was done?

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A. Yes, that could be the case. A train the trainer system could be put in place for that.

CORONER: Q. Which then makes it cheaper for the organisation, the club, to have ongoing training.

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A. We've already identified that Tasmania in its location is difficult for people to come to, to timetable courses, and we are at present moving ourselves out of there and getting other people accredited up and down the eastern seaboard at the moment to teach for us.

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Q. Have you an opinion about practical training? Is it your view that they need more than classroom training?

A. My personal opinion is that to learn out of a book is not as good as to do hands-on situations. If one can get in the water, practically do exercises in some simulated condition, be it in a safe manner, there is a lot more of a learning curve achieved.

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HILL: Q. So basically you'd require a pool of some description or even a place around the Harbour or outside the Harbour for such--

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A. Within safety limits, yes.

Q. I suppose another method is that you could train the trainers as it were, and then they could actually run their own courses from that period onwards?

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A. That's correct and they would be audited by whoever the registered recognised training authority was.

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Q. Another method may be that you would take the trainers at the Maritime College and they could be trained down there and accredited, and then they could go back to their individual clubs and run these courses?

A. That is an alternative, yes. That is an alternative that could be arranged.

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Q. And that training would include not just this but life raft training and other emergencies, is that correct?

A. We would put together a dedicated survival package as we do now. There is a good one called OH and S at sea, occupational health at sea, which covers survival techniques, firefighting, first aid. There are different

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modules that you can collect. You can get a first aid ticket from here if you don't want to get it from us, you can do it in a modulised form, and that goes together to be a certificated course.

Q. I think in fact you do run some sort of course for the Three Peaks race. Is that correct?

A. We have done familiarisation survival training for them, yes sir, that is correct.

HILL: I've nothing further.

ADAMSON: No questions, your Worship.

CORONER: I didn't think you would have any, Miss Adamson. Mr Harris?

HARRIS: Q. My only question your Worship and Mr Hurst relates to timing. I imagine that this sort of programme won't come into place within a month or two, for example. Can you tell me about the timing aspect?

A. Actually putting it into place from now on?

Q. Yes, from now on.

A. We have actually people at the moment as we speak at Rockhampton Grammar School and other places up the eastern seaboard of Australia, talking to training providers about curriculums and the way we can deal training. It's not just in a range of survival we're talking about, we're talking about basic seamanship for fishing boats, basic OH and S, coxswain's tickets, master fives. We're in Darwin, we do training in Darwin. We train throughout the country.

CORONER: Q. So if an ocean racing club were to get in touch with the college about it right now--

A. Yes.

Q. --you feel that something could be done in the relatively near future?

A. Most certainly, most certainly, yes. It's just a consultative process where we all sit down and say well what are your needs, what are our needs, what's the national needs? Let's come up with a document, and off we go.

HARRIS: That's exactly what I wanted to know, thank you.

<WITNESS RETIRED AND EXCUSED

HILL: Mr Coroner, that finishes this part of the inquest. We start again on 17 July and we will get the witnesses' statements.

CORONER: We've heard about 40-odd witnesses in four weeks out of about 60 I think. We're allowing three weeks from 17 July, that's non-negotiable. The inquest evidence will certainly end then, I hope it ends within two weeks, but the aim is to finish the inquest and produce findings and recommendations hopefully before the Olympic Games. I won't

try to be more specific than that. It's quite a big job to generate a finding in an inquest like this. It's a long inquest, there's a lot of evidence, there's a lot of complex issues. I'll do my best. Is there anything else?

HILL: There's nothing further, no.

CORONER: Thanks for your attention. I do thank the press for their reporting of this matter. I've kept an eye on it, which I don't usually do, but I do - both Miss Toy and Mr Kennedy I think have been very fair to the inquest, very fair to those involved in it, and I thank them for that. It's something I don't always expect from the press. Thank you.

ADJOURNED TO MONDAY 17 JULY 2000

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CERTIFICATION OF TRANSCRIPT

I, We the undersigned being (a) Sound Reporter(s) do hereby certify that the within transcript is a correct transcript of the depositions sound recorded at the New South Wales State Coroner's Court in the matter of the Inquest into the deaths of James Michael Lawler, Michael Bannister, Bruce Raymond Guy, Phillip Raymond Charles Skeggs, John William Dean and Glyn Roderick Charles on 6 April 2000

5/98 - Event of the 1998 Sydney to Hobart Yacht Race

Part Heard

Dated at Sydney
this tenth day of April 2000

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