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NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER: J ABERNETHY

WEDNESDAY 19 JULY 2000

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

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

Mr A Hill with Mr M Papallo assisting the Coroner
 Mr R Stanley QC for the Bureau of Meteorology
 Mr R J Weber for the Cruising Yacht Club of Australia
 Mr P Callaghan SC for the Royal Australian Navy

PART HEARD

CALLAGHAN: Could I have your Worship's leave to appear on behalf of the Royal Australian Navy.

CORONER: Leave is granted.

<ANTHONY JOHN HUGHES(10.15AM)
 SWORN AND EXAMINED

HILL: Q. Would you give the inquest your full name please?
 A. My name is Anthony John Hughes.

Q. And your professional address?
 A. Is the Australian Maritime Service Authority in Canberra.

Q. Your occupation?
 A. I'm a senior search and rescue officer with the Australian Maritime Service Authority.

Q. And perhaps if you could give us your experience in regards the sea?
 A. I come from a naval background. I was a communications officer in the navy and principal welfare officer and I left the navy to join the search and rescue organisation some eighteen years ago. I have been involved in search and rescue in that time. I am also a recreational sailor. I've had some 10,000 or so sea miles in ocean racing. I am a qualified bridge watch keeping officer. I hold a Queensland master's certificate and I'm a professional qualified radio officer as well.

Q. You recall giving a statement to the police and I think that was on 20 July 1999?
 A. That's correct.

Q. Do you have a copy of that with you?

A. I do.

Q. It's a fourteen page document and I will be referring to that. As far as the role of AMSA and the Sydney to Hobart Yacht race, what was the role that you played? 5

A. My role at the AMSA adviser to the race, is to act as a co-ordination authority between the CYCA and the Australian Maritime Safety Authority, and in particular the rescue co-ordination centre. I'm the facilitator I suppose of communications between the two centres. 10

Q. I understand that there is a briefing on Christmas Eve before the race and you actually give some sort of talk during that briefing? 15

A. Yes on invitation from the CYCA I attend the brief and discuss through safety factors, really as an option to myself, but on advice from the race director and more recently on specific items. But generally speaking it's been a free reign on what I talk about - or AMSA talks about. But it's generally been concerning the conduct and safety of communications - race communications or general communications for such topics as dropping supplies from aircraft, that sort of thing. Just general safety. 20 25

Q. It's not actually pertinent to the race, it's seamanship in general that you give a lecture on. Is that--

A. That's correct. I've always taken the view that the sailing instructions tend to cover the safety aspects of the race and it would be impertinent to AMSA to do anything else but just to talk about other big general safety matters. 30

Q. I think that you have given talks on proper lookout and air/sea rescue and things like that?

A. General seamanship topics, correct. 35

Q. Now you actually also give out pamphlets on general seamanship to the various crews that attend, is that correct? The briefing?

A. That's correct. AMSA provides a variety of pamphlets on search and rescue in particular which we provide for each of the participating vessels. I guess we provide those so the crews can look at them in their spare time on the voyage. 40

Q. I take it that if you gave them before - if you sent them out with a sailing instructions there is the fear that, well they just never make their way onto the boat. Is that right? 45

A. Possibly. At the race brief on 24 December each year the CYCA presents the skippers and navigators with a pack of instructions, including sailing instructions, and we feel that putting out pamphlets with those instructions is the best way for them to get on board the boat for the crew in general to look at those instructions - or rather the pamphlets which are general education pamphlets. 50 55

Q. You actually go with, what's called the race management team, is that right?

A. That's correct.

Q. And you were certainly there at the start of the race?

A. That's correct.

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CORONER: Q. Where? Where were you?

A. I go on one of the starting boats sir as general observation. It's beneficial to me to see the boats starting so I've got an idea of what boats are in the race.

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HILL: Q. And who were you with?

A. With one of the race starters. Mark in particular.

Q. Mark?

A. The assistant sailing director for the CYCA, Mark Robinson.

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Q. That's Robinson, is it? Mark Robinson?

A. Mark Robinson, yes.

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Q. You were with him?

A. On his boat, yes.

Q. Do you recall what time you went on to that vessel?

A. The boat leaves the CYC at about 11.30 or so in preparation to be at the starting line at 1 o'clock.

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Q. And came back in - when?

A. On completion of the race, picking up buoys - starting buoys, probably 2.30 or so.

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Q. And where did you come back to?

A. CYCA.

Q. And did you remain there?

A. Yes I did. I remained there and had a drink or so before retiring to my accommodation to refresh to come back for the evening radio schedule which was 20.00.

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Q. So you came back at 20.00 and you listened to the sked?

A. Correct.

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Q. Now your communications between AMSA and yourself in that period, what did you have? What sort of communication would you have?

A. On that particular day?

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Q. Yes?

A. Nil.

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Q. If they wished to contact you, how would they have done that?

A. I have a mobile telephone.

Q. So that's basically your communication system?

A. Correct.

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Q. Were you contacted at all from AMSA about a storm

warning or anything of that nature that had come through from the Bureau of Meteorology?

A. No I wasn't.

Q. So there was no communication whatsoever in that regard? 5

A. No.

CORONER: Are you talking about the twenty-sixth only.

HILL: Q. The twenty-sixth only? 10

A. No sir. No contact.

Q. So you came back at 20.00 hours, did you hear the weather warning at all?

A. I don't recall. 15

Q. No one brought to your attention anything about a storm warning?

A. No.

Q. Anything particular during the sked that you recall? 20

A. No. The first sked of the race is generally a settling sked where the race control gathers the flock, so to speak, make sure they're on the net and that they're establishing communications correctly. I said 20.00 or 22.00--

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Q. 20.00 you said, yes--

A. Was it 20.00--

SPEAKER: 20.05. 30

A. 20.05, yes. There's a general gathering of the flock and I don't recall any particular concern during that particular sked.

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HILL: Q. After the sked had finished, what then?

A. Retired to my accommodation and went to bed.

Q. Got up next morning at what time?

A. About 5 or 5.30 to catch the first flight to Hobart. 40

Q. Now that first flight did you go direct from your accommodation - where was the accommodation?

A. In Kings Cross I think. Either that or Rushcutters Bay.

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Q. So you went from your accommodation to the airport?

A. Yes.

Q. And you caught the first flight to where?

A. Direct to Hobart. 50

Q. Who was on the flight with you?

A. The commodore of the Royal Yacht Club of Tasmania I recall as being on the flight.

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Q. Anyone else?

A. Not on that flight, no. I travelled independently I think on that race.

Q. Mr Elliott wasn't with you?

A. Can't recall.

Q. On the way down, I think the pilot took the aeroplane down to about 12,000 feet is that right? 5

A. Yes, I recall being down there, yes.

Q. What was the purpose of that?

A. He wanted to show the passengers the - if he could, the lead boats in the yacht race. We were down near Mallacoota, just south of Mallacoota at the time. 10

Q. Did you see out the window at all?

A. I didn't see any yachts but the sea conditions - one could see a lot of whitecaps. 15

Q. Did that give you any cause for concern?

A. Yes it did. As a sailor, it gave some I guess, apprehension. In fact it was going to be quite rough down there and yes, just a natural concern. 20

Q. So you then went to - from the airport when it landed, I think you spoke with the commodore of the Royal Yacht Club of Tasmania. Is that right?

A. That's correct. 25

Q. A Mr Boys, is it?

A. Yes David Boys.

Q. What did you say to him, do you recall? 30

A. I recall that I mentioned that it didn't look too good down there, that is, from the aircraft down to the sea. And I think I used those words, it doesn't look too good. Without any professional comment, that was just an observation. 35

Q. Sure. Did he say anything to that?

A. No I don't recall. Apart from acknowledging.

Q. What you had said? 40

A. Yes.

Q. So there is no question that he'd heard what you said?

A. No I don't believe so. 45

Q. At page 6 of your statement, you say this and I am looking at the answer to question 26 - the best way to explain this is to, at this stage, through as the events led up, on 27 "First I really became aware of the potential problems was when one of the staff of the Royal Yacht Club in Tasmania, one of the managers of the operations room said to me that it was blowing 70 knots in Wilsons Promontory and I thought, well, you know, that's - we're in for something here. In fact I think I said well, geez, I hope it's not right, you know, we were still really in the stages of setting up our race headquarters at that stage and the first sked was at 14.00 hours from our position in Hobart". I'll just stop halfway through that answer. First of all one of 50 55

the managers of the operations room, what operations room were you actually speaking about?

A. Yes, to clarify that the person in particular was Mr John Honeysett, a long-standing member of the Royal Yacht Club of Tasmania. His role is to set up one of the rooms in the yacht club which acts as a plotting room, plotting the details of the race either by hand or by computer, more so by computer these days but traditionally by a chart, a long chart. He controls the team of volunteers from the yacht club who answer telephone calls, yachts' positions, that sorts of thing. From in that room which - a small room, off from that there's a radio control room and then off from that is the board room of the yacht club which the race control uses as their room, so there's three rooms in that structure. There's the operations room, the radio room and the board room which is where the race control operates from. So Mr Honeysett controls the personnel in the operations room, if I can use that term operations. 5
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Q. Okay, that's fine, just understanding what it is. 20
A. Yes.

Q. So he told you that there were 70 knots at Wilsons Promontory?
A. Yes, I recall that that's the general term he - there was general discussion, yes, 70, 80 or whatever it was. 25

Q. Do you recall what time that would have been?
A. No, that's vague to me. I arrived at the yacht club probably about 10.30 in the morning. Arriving at Hobart at 9.30 I went to my accommodation and booked in and asked them to look after my baggage and I'll be back soon. So I went to the yacht club and met up with the race director some time later and his team, assistant race director, and his process of setting up, we were setting up for our activity during the race. So it was around about after that, 11 o'clock, 11.30, I'm not terribly sure. 30
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Q. Okay, well if we can just stop you there. When you say you met up with the race director, are you talking about Mr Thompson?
A. Yes I am, Mr Thompson. 40

Q. But doesn't he get there until later, some time about 2 o'clock?
A. I don't recall the time but Mr Thompson and Mr Robinson came down on a different flight and we met up around about midday at the yacht club. What time I just-- 45

Q. Okay, that's fine. What about Mr Elliott, do you recall him being there?
A. No, I don't recall when he arrived or when he was there. He was just part of the team. 50

Q. Have you any idea what time the operation was actually set up and working?
A. Well it was in place for the 14:00 sked. That was the time, significant time for the next phase if you like of the 55

operation. Mr Thompson leaves - if I may speak for Mr Thompson, he leaves the yacht club after the morning sked which is mid-morning, 2 o'clock, 3 o'clock in the morning. He is there for that sked, hops on the plane and goes to Hobart so he's ready for the next radio sked. 5

Q. But he wasn't on the plane with you?

A. Not on that flight I don't recall, no.

Q. Do you know if Mr Honeysett or who was present when Mr Honeysett said about this - you've said 70 knots but I think you said 70 or 80 at Wilsons Promontory? 10

A. Whatever, I just - yes. No, it was just a private conversation to me. I don't think he-- 15

Q. Well did you mention it to anyone else?

A. I don't recall. I do recall saying to Mr Honeysett that I hope that's not true, I hope that's not the case. It just didn't gel to me. It didn't - I didn't comprehend that there could be such ferocity of wind at Wilsons Promontory. It alarmed me in my own mind that that was the case. 20

Q. In that answer you go on and you say "and by 14:00 it had become quite clear that things weren't going to become very comfortable." You say "the first alert we got was from Stand Aside with her distress calls. I think it was the Young Endeavour who alerted us to that. I can't remember now." When you say "the first alert we got," are you talking about an alert that brought in your organisation or are you simply talking about that was the first time you realised that something might be going wrong out there? 25

A. I believe I was referring to probably both. It was - something was going wrong and be - this is the start of my organisation becoming involved with the race. 30

Q. Could you hear the Telstra Control on the radio sets? 35

A. Yes. The procedure at race control in Hobart where I - as has been stated I work with race control. We listen to the radio schedules directly via the radio room in race control in Hobart, but in addition to that we have a link provided by Telstra which provides an additional loudspeaker to us in the race control headquarters, that is in the board room of the Royal Yacht Club of Tasmania. So yes, we listened to those radio schedules and we listened to Young Endeavour. 40 45

Q. What about the general broadcasts in between the skeds of the Young Endeavour? Could those be heard or was anyone on listening watch in Hobart to that general traffic, air traffic? 50

A. Race control Hobart have radio operators on watch 24 hours a day during the race listening to the radios, yes - correction, listening to the radio frequency.

Q. Doctel Ranger - or Rager is it? 55

A. Rager.

Q. Rager is it?

A. Mm.

Q. At about 12.30 on the 27th said over the air that they were getting between 60 and 70 knots. Do you recall that at all? 5

A. No, I don't.

Q. So no one brought that to your attention?

A. No. 10

Q. Would that have worried you if you had heard that?

A. It would worry me from a - as indeed the report from Mr Honeysett that Wilsons Promontory was blowing at 70 knots or so. It would worry me as a sailor and it was - it would worry me as a professional search and rescue officer that such conditions existed. 15

Q. So no one brought that to your attention?

A. No. 20

Q. No one came up and said we've had a report from Doctel Rager and other yachts that they're getting 60 to 70 knots, this is about 12.30?

A. Not that I recall, no. 25

Q. You then go on to say "but that was the first incident," and this is the Stand Aside, "and then it just snowballed on from there. We handled things as they came. We set up a little office room which was in the board room of the yacht club as best we could to handle the situation." I think you actually put papers on the windows and around the walls so that people could go to them when you got information on that particular yacht so that everyone knew at a glance what was happening. Is that basically it? 30

A. Yes. If I could set the scenario for the assembled people and to you, sir. 35

Q. Certainly.

A. In the office room at the time, as a normal means - it's - the race is run professionally and conducted professionally, not particularly geared up for a disaster as this. As that developed we had to find - we did find ourselves in a situation which required a lot of control and organisation. Mr Thompson, Phil Thompson would be less formal, and Mark Robinson, and in particular Mr Thompson's wife Elizabeth was there helping and she played a leading role in helping us organise ourselves in setting up our little operations room by sticking things on walls and that sort of thing. So we were organising ourselves on the run, so to speak, and I'm in no embarrassment about what we did. It was commendable to our little group I think, the way we conducted ourselves. 40 45 50

Q. You then go on to say "our communications with the fleet was via the radio relay vessel Young Endeavour. We were pretty well on top of what was happening, as confused as the picture was at times. Particularly on the night of the 27th there was lots of flare sightings and it was hard to keep 55

track of those." I want to ask you about that. I understand that Team Jaguar was setting off red flares to guide on the Moira Elizabeth. Was that to your knowledge that was happening?

A. Yes, I was aware of that.

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Q. And when you say "lots of flare sightings" and "it was hard to keep track of," is it the situation that there were far more specific sightings and the flare sightings would go down the line as it were in priority?

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A. I was trying to plot on the chart those sightings, the chart which I borrowed from one of the members of the yacht club, just trying to form a picture in my own mind the reports that were coming in and the situation seemed to be confused. I wasn't clear in my mind where they were coming from. Now I come from a background of handling flare sightings from the public on almost a weekly basis, and what we see and what we don't see can be interpreted differently. Clearly in this situation we had flare sights generally being seen by boats in the fleet. I guess in my own mind I associated a lot of those sightings with that Team Jaguar looking for - to guide the fishing(?) boat to its - flare sightings in themselves are genuine distress calls. How one responds to that should be quite clear, that is, as you on a yacht, you see a flare sighting, you head towards that flare sighting - sorry, not on a yacht, on a vessel, to render assistance if you are capable of doing so, if you are able to do so, and I would not for one moment question the skippers of that vessels in that race if they were capable of doing so or not, so that's their judgment to do.

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Q. But what I want to know is this, that if we have a report over the radio that says red flare and a latitude and a longitude, or we have a report over the radio that says a dismasted yacht, crew on deck, waving red flares at latitude and longitude, which one would you give precedence to?

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A. The latter. To observe people on deck with a red flare in their hand is very obvious that the people are in trouble. I mean they're asking for assistance.

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Q. You go on, you say "I was visually trying to plot them and to try and make sense of it all, but it was a difficult task." One could imagine. "There was no - we hadn't really thought consciously in our little group in Hobart of making any dramatic moves like calling off the race." Nothing had been mentioned about that?

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A. Not that I recall. We - I don't recall us huddling into a group and talking about that, no.

Q. And you go on to say "the race was continuing, so from race control's involvement if that's the question you're asking we hadn't consciously even - even if we probably had time to think about it, thought about terminating the race, it was still a race."

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A. Correct.

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Q. So that was it, you were just more or less caught in the middle of this as from your point of view, it just suddenly

came on you. Is that how you recall the events?

A. Yes, indeed. It snowballed from that 14:00 sked and it just went on, reports being received from the Young Endeavour via the race control and from RCC in Canberra reports mainly from aircraft picking up the distress calls. It went one after the other and, you know, I don't recall having time to think about anything else but the situation at the time.

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Q. You said over at page 8, and this was an answer, "the race is controlled by the sailing officer for the club, Mr Phil Thompson." So Mr Thompson was in charge as far as you were concerned?

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A. Correct, yes.

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Q. He would ask you for advice occasionally, or what was the situation?

A. My role is to give advice on search and rescue matters to CYCA. Representing AMSA, I work for AMSA, and I'm their representative.

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Q. And you say there "I see myself working for him as an adviser."

A. Yes.

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Q. But it's an adviser with regards search and rescue?

A. Correct.

Q. "So it's to Phil," that's Mr Thompson?

A. Yes.

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Q. "I look to or give advice to rather, but he had of course to take advice from the Commodore of the club if I understand the hierarchy of the organisation," and you're talking about the Commodore of which club?

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A. The Cruising Yacht Club of Australia.

Q. That's the Sydney CYC?

A. Correct, yes.

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Q. And he was at sea, he was a participant, so as far as you were concerned there was - Mr Thompson was in control?

A. But still answerable to, if I understand correctly, the director, the Commodore of the yacht club or in his absence I guess the Vice-Commodore or - there's a chain of command which Mr Thompson has to answer to as well.

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Q. What about Mr Sommer, was he there that you recall?

A. He was at - in Hobart and he had spent considerable time in our operations room throughout the race, yes, supporting us throughout the race.

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Q. What role did he play?

A. Well I don't really know. He is a senior member of the yacht club, a flag officer of the yacht club. The role flag officers play in the yacht club.

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Q. Well I'll put it to you this way. You're in an

operations centre. Who as far as you as an observer, who as far as you was in control of that operations centre? Was it Mr Thompson, was it Mr Sommer, was it Mr Robinson?

A. I - as you already stated, I worked for Mr Thompson. I looked to Mr Thompson for any contact I had through the yacht club. 5

Q. Well was he the dominant person in that group?

A. To my mind, yes. 10

Q. And you go on to say that you're not sure of the communications they had between themselves. You don't know that, you weren't involved in that?

A. No. 15

Q. You were asked this question then, "was there any direct conversation that you were aware of with the race director, Phil Thompson, and was calling off the race - did he seek any advice from you in relation to that?" and you answered "no." 20

A. Correct.

Q. "So one of my own, one of my colleagues, a duty search and rescue officer, suggested to me at some time, at some early hours of the morning of the 28th, that he was recommending that we call off the race." So that was initiated from Canberra? 25

A. Yes.

Q. And that was from Mr?

A. Willey. 30

Q. And you discussed that with Mr Thompson?

A. I did, yes. 35

Q. Anyone else?

A. Not that I recall, no. It was about 1 o'clock in the morning or so.

Q. Do you recall any of the conversation? 40

A. Yes, I recall my conversation initially from Canberra. It wasn't Mr Willey in that instance, it was one of his subordinates, passing on from Mr Willey who was the senior search and rescue officer in charge of the watch at that time, that there was a suggestion we should call off the race, and I guess I said are you sure or why, what's the rationale behind suggesting we call off the race? Anyway I then undertook to talk to Mr Thompson about it and called them back. If I can talk to the point that at this time I'd been active for a long time and I was tired and that sort of thing, maybe not all that coherent. But in my own mind I certainly quite clearly recall the conversation and not quite understanding probably the rationale of why they wanted to call off the race. Subsequently I've learned but at that time I didn't quite know, and the reason they wanted to call off the race was the search and rescue organisation was stressed to the point of probably not being able to continue with assets if the race - in their mind if the race 55

deteriorated and more and more vessels got into trouble.

Q. So if there were more casualties as it were with other vessels--

Q. Yes.

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Q. --the resources would have been stretched to breaking point?

A. Absolutely.

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CORONER: Q. That's AMSA's resources?

A. Yes sir, and the resources which we hire to allocate, either commercial or military.

Q. I see, so you're talking about the resources not only of AMSA itself but the resources you arranged to assist you, for hire mainly?

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A. Yes.

HILL: Q. In other words, you would eventually run out of rescue aircraft and rescue personnel?

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A. That was the concern I believe in the office at the time and I think Mr Willey will talk of that himself.

Q. You didn't convey that to Mr Thompson?

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A. No, that was an understanding later to clarify the situation.

Q. No, I understand that.

A. I conveyed to Mr Thompson in discussions that AMSA had rung, RCC Australia had rung expressing their concern and talked about calling off the race. Mr Thompson and I discussed that and by this time we had I guess decided that the worst of the storm front had passed, the weather was starting to moderate. It was 1 o'clock in the morning.

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What was the logic of calling off the race if we could?

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What was the result of - what was the ramifications of calling off the race? Vessels turned back for safety to Eden I suppose without getting into more trouble. I'm talking now what's going through my mind, not necessarily what's going through Mr Thompson's mind. It just seemed that the worst had passed at 1 o'clock in the morning, there would be nothing gained by calling off the race, so - but we view it overnight and see what we'd come up with in the morning.

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Q. Before I go on, you used the initials RCC.

A. Yes.

Q. Can you tell us what you mean by those initials?

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A. Sorry, the RCC is the rescue co-ordination centre in Canberra and it's also the race co-ordination control centre at Hobart, so it could be confusing.

Q. And the RCC you're referring to is the rescue co-ordination centre?

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A. Rescue co-ordination centre in Canberra, yes.

Q. Having spoken with Mr Thompson, did anyone else speak with him or did he relay that to anyone else or--

A. No, I think it was a decision at the time, which I fully supported I must say, that - what was the point, the point had gone. We'd gone past calling off the race at that stage. It wasn't - it wasn't necessary to - it wasn't sensible to do at that stage. Let's monitor it and see what happens overnight, yeah. I supported that. I relayed that back to my colleague, Mr Willey in Canberra, who still expressed a great deal of concern about that. He was genuinely concerned that we should call off the race. I expressed to Mr Willey that if he wanted to pursue that line that he really needed to involve senior management in the organisation. I don't think it was appropriate at his level or my level to call off - to suggest calling off a major race like the Sydney to Hobart.

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Q. I think you answered as well and you said to him I suggest you take it up with the general manager?

A. Yes.

Q. That was to Mr Willey?

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A. Yes. Did I say general manager or duty manager?

Q. What you said is in here and I said well I suggest you take it up with the general manager. Do you mean duty manager?

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A. I think in actual conversation I said duty manager.

Q. Who would be the duty manager?

A. I think Mr Francis was acting duty manager, if I can get a nod. Yes, Mr Francis was the acting duty manager. We had gone through managerial change, that's why I'm a bit fuzzy at this stage. The manager at the time - the actual manager at the time had - was away on leave or something, so Mr Francis was standing in as the manager - acting manager.

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Q. The next answer down in the middle of that page 9, you said it'd have to be done early, that's the calling off of the race, at that stage it - I would agree, fully agree, that it was too late to do it, to call off the race?

A. Mm.

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Q. So if there was to be a general call to the fleet to seek shelter, it would have had to be done early?

A. I answered that in relation to the question from the - from my interview with the police officers who asked a question.

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Q. What they asked was what are your thoughts on perhaps expanded on that on calling off the race and you said it'd have to be done early at that stage it - I would agree, fully agree that it was too late to do it, to call off the race.

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A. Yes.

Q. What I'm asking you is in other words what you're saying is that if you're going to make that decision, it should have been done much earlier?

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A. Absolutely. I don't think anybody would sail vessels into such a situation as occurred in this race willingly if they had the option to maybe call it off, or take early action to prevent what happened. This is talking in retrospect, this is with the benefit of hindsight but I - if I was asked I guess that same question, call off the race, I would say look, you've got to do it before the situation develops as it did. That's hindsight talking.

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Q. Of course. What you go on to say is this. I've got no problem with that at all, that is calling off the race, if the race is going to be called off, it's got to be done in good time for people to make safe and wise decisions on the movement of their boat and the safety of their crew?

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A. Yes. I'm very much of the belief that the responsibility of the boat and the crew is that of a skipper

of the boat, yes.

Q. They're the ones in command?

A. Of course.

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Q. And they're the ones directly on the water, as it were?

A. Yes.

Q. You go on to say that's the only suggestion I would have. It's got to be done early enough and that's a matter of the process of decision making, taking into account all factors but significantly the weather at the time. And you say I mean you could set standards, you can say races will be called off at 60 knots. I think most people would probably willingly retire if it's going to get over 60 knots anyway, so I don't think that would be a problem but it's just - to my knowledge that wasn't being forecast at the time. The point I want to clarify is this. You were told by Mr Honeysett that they'd got 70 or 80 knots at Wilsons Promontory and you've told us that Doctel Rager's communication at 12.30 that day you were not aware of, that is that they were getting between 60 and 70 knots and so were other vessels. If you had heard that, that that's what was happening and indeed vessels were retiring at that stage, between 12.30 and quarter to 2, what would be your opinion about calling off the race?

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A. In honesty it never occurred to me to call off the race. I am not in a position to do that. To clarify it to his Honour that my role as the search and rescue adviser to the CYCA is coincidental to the fact that I also sail.

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CORONER: Q. It's more than that. You've given me some evidence about your expertise and experience and you can answer this question as a seaman.

A. I'm happy to do so. But what I wanted to make the point--

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Q. Talk first of all as a member of AMSA.

A. Yes. As a member of AMSA, as a search and rescue officer, I may not necessarily have the competence to suggest to the CYCA that they should call off the race.

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HILL: Q. I think there's also another problem as well, isn't there, that as far as search and rescue is concerned it's complicated between the State and the Commonwealth in that the first jurisdiction is with the State, is that correct?

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A. Correct.

Q. And it's only when they can't handle it that it actually goes up to AMSA?

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A. That's correct.

Q. That you have a role. And the other complication is that you have no legislative power to issue any regulations with regards pleasure craft?

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A. That's correct.

Q. So your sort of hands are fairly tied as it were and you have to wait really I suppose until you're called in, is that how it works?

A. Yes, the relationship between the Federal Government and the State Government is clear, it's well established, documented, regulated. For the conduct of the Sydney Hobart race in particular we go between jurisdictions. New South Wales jurisdiction, Victoria and Tasmania. In the middle there's the Bass Strait, where it really goes outside jurisdiction in the correct sense. If I may say that AMSA has taken a little bit of leadership here and has decided through my participation I suppose in the race as a representative that we will take a direct interest in the conduct of the Sydney to Hobart race. We did this - we came about this because of the 1994 50th anniversary race when there was something like 370 vessels or so in the race and we were concerned after the 1993 race, which was a severe race, that we should have a more direct role. So there was leadership offered by AMSA on that, I'm proud to say, I guess I'm proud to say, to try and relieve the burden if you like of the State jurisdiction of what to do and what not to do. Having said that, we work still very closely with the State authorities on the race, we have a very close working relationship with the New South Wales police, the Tasmanian police and to a lesser extent the Victorian police. And there's no confusion about who does what within the race.

Q. I think what prompted you to actually put a - that is AMSA to put a representative with the CYC was that on the 50th anniversary of this race I think there were some 350 odd vessels in this race, is that correct?

A. That's correct. I think I might be correct, I could talk to Mr Halls here, it may have been the CYCA initiative that AMSA became involved, yes, so the CYCA in fact invited AMSA to become involved in that particular race and subsequently have invited AMSA back each year to participate as an adviser.

Q. You spoke about AMSA that you wouldn't have the qualifications as an AMSA representative to call off the race?

A. Not necessarily.

Q. Not necessarily?

A. Yes, the qualifications, yes.

Q. Speaking personally as someone with the experience that you have, what would have been your attitude had you been told that - after you've been told about Wilsons Promontory that at 12.30 Doctel Rager is stating that they're getting 60 to 70 knots and other yachts verify that and you start to get retirements then. What would be your thoughts, your personal thoughts, about calling off the race?

A. In retrospect we can discuss that and now I'd say as I discussed with the police officers 12 months ago in that statement, it would be wise to consider calling off a race under severe conditions. At the time I didn't really consider it at all. I was of the opinion, as was broadcast

by Mr Carter on the 1400 sked, that it's the responsibility of vessels to retire from the race or continue with the race. That was the mindset that I had and probably still continue to have in many ways. When you're out on the water you are aware of the situation, it's your decision to - given the right information to make that decision of what you do. And I would be loath in the air conditioned comfort of the Royal Yacht Club of Tasmania or in the air conditioned comfort of the RCC in Canberra to make such decisions.

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HILL: Your Worship, I'm going to ask to take an early break. The reason for that is that Mr Hughes had a conversation with the master of the Young Endeavour in regards to the position of the Winston Churchill and I want to speak with my learned friend Mr Callaghan about that so that he understands where I'm going, where he's going.

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CORONER: Of course, yes. That will be your concluding segment, yes, right.

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SHORT ADJOURNMENT

<ANTHONY HUGHES
ON FORMER OATH

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HILL: Q. Sir, do you recall conversations between yourself and the master of the Young Endeavour in regards to the vessel Winston Churchill?

A. I don't have a clear recollection of that.

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Q. What do you recall?

A. I'm not terribly sure. In the first instance I recall talking to the master with regards to Stand Aside, the very first vessel to get into trouble. I had requested the vessel to proceed to the distress position as we have a want to do in a distress situation, we have aircraft going to the situation but we like a surface asset to be there for all sorts of reasons like rescue and in case the aircraft can't make it. So Young Endeavour agreed to proceed towards Stand Aside in those conditions which were not favourable.

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Conversation about Winston Churchill, I really - I don't remember talking to the master of the Young Endeavour about Winston Churchill. I do recall asking Young Endeavour to alter course away from Stand Aside. By that time we had helicopters supporting Stand Aside but in retrospect one sees that was a dangerous situation anyway but I do certainly recall asking Young Endeavour to divert towards the Winston Churchill position on direction of course from the RCC in Canberra.

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Q. The final aspect that I want to ask you about is this, that with helicopters it appears self-evident but with rescue planes and helicopters what sort of risk is there to the rescuer in these circumstances? Is it non-existent or is there a real risk?

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A. It's a very real risk and yes, search and rescue officers are aware of that but similar to responsibility we

place with the masters of vessels, we place that responsibility with the masters or skippers of aircraft to make a decision if they will fly or not fly. We do not make any decision in the RCC about who or rather who has the responsibility in the final, it's quite clear it's the master or the skipper referring to aircraft or vessels.

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Q. So those helicopters that were going up during that period and the fixed wing aircraft as well, those crews were running a very real risk of injury themselves?

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A. Absolutely. As has been well documented, there were acts of heroism which I'm certainly grateful for and the nation has already expressed their gratitude.

CORONER: Mr Stanley, would you like to ask some questions?

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STANLEY: Q. Mr Hughes, you've told the Court that on the Boxing Day evening you went back to the yacht club to listen to the 8pm sked. What was the purpose of you going back to listen to the sked?

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A. I listened to all skeds with the race director as a means of awareness, so I'm across what's happening out with the fleet.

Q. So you were there with the specific purpose of listening to what was being said about the weather?

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A. No, I was there specifically to listen to the radio vessel, Young Endeavour, talk to the participants, for me to get an appreciation of the conduct of the radio schedules which will happen over the next four or five days.

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Q. At all events you did listen to the sked I take it?

A. Yes I did.

Q. So you did hear the weather forecasts and the special forecast being read out to the boats?

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A. If it occurred, yes I would have.

Q. So you would have heard that there was a priority storm warning for coastal waters south of Merimbula?

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A. If it was read I would have.

Q. It was read?

A. Yes.

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Q. And you heard it?

A. Yes.

Q. When you heard that are you able to now say what reaction you had to it?

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A. I don't recall but my reaction I suppose would have been this is going to be a tough race, this is the Hobart race, this is what's expected.

Q. You mentioned earlier that you were always contactable by means of your mobile phone?

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A. Correct.

Q. With the head office in Canberra?

A. Correct.

Q. I take it the office in Canberra always had someone on duty?

5

A. Yes.

Q. Do you know a Mr Andrew Burdon?

A. Yes I do.

10

Q. What at the time we're talking about was his position?

A. Andrew Burdon is a search and rescue officer which is subordinate to the senior search and rescue officer.

Q. Are you aware that he in fact was on duty on the Saturday afternoon, Boxing Day afternoon?

15

A. I'm not aware.

Q. Have you not been made aware of that or found that out since?

20

A. No I have not.

Q. Have you ever been told that he received a phone call from the senior forecaster at the Weather Bureau at 2.28 on the afternoon of Boxing Day?

25

A. No, I've not been made aware of that, no.

Q. Is this the first time you've heard of that?

A. Yes.

30

Q. Are you not aware that a phone call was made to Mr Burdon from the senior forecaster who told him that a storm warning had just been issued and that the senior forecaster was particularly concerned, he indicated that the matter was very serious and he was particularly concerned for the fleet as well as anyone else in the area and because it was the Christmas period that AMSA might have many staff off and in particular he indicated that it was a situation where the yachts would be hammered and the suggestion was made that AMSA should get staff off leave and back from their breaks, bring them in and get them fully geared up for tomorrow? You're not aware that any of that was said to Mr Burdon?

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A. I was not aware of that conversation.

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Q. If Mr Burdon had received such a phone call from a senior forecaster, what would you expect him to do?

A. To advise the senior search and rescue officer.

Q. That is the senior search and rescue officer in Canberra?

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A. In Canberra.

Q. And what would you expect that senior search and rescue officer to do in light of that information?

55

A. I'm not terribly sure. He would assume - if I could speak on his behalf, he'd probably assume that the race organisation would be aware of the same situation. And that

possibly the person who rang that through had probably spoken to the race organisation.

Q. So, what, having assumed that, you would expect him to do nothing more? 5

A. Well, what would I do? I would probably have rung up me in Sydney and said are you aware of the weather forecast but that was me, that's what I would do.

Q. If you at the yacht club or down at Tasmania, indeed, you were still in Sydney at that time? 10

A. Yes.

Q. If you'd received that information, what would you have done? 15

A. I would have brought it to the attention of the race organisation.

Q. Would you have done anything so far as AMSA is concerned so far as staff, equipment, availability? 20

A. No, not necessarily, no. We can't necessarily respond in a search and rescue organisation, we are a reactive organisation, we're on call all the time, we're there all the time, we cope with the situation as it develops and we have staff to do that. 25

Q. You are aware, are you not, that as a matter of course AMSA receive automatically notification of storm warnings issued by the Bureau of Meteorology? 30

A. Yes we do.

Q. Are you now aware that on the Boxing Day AMSA did receive notification of the storm warning at 2.25pm? 35

A. I'm not aware but I wouldn't contest that.

Q. When you were listening to and heard the 8pm sked at the yacht club, in whose company were you? 40

A. Mr Thompson.

Q. Anyone else? 45

A. I don't recall anybody else, no.

Q. So just the two of you? 50

A. Yes.

Q. Was there any discussion at all between you as to the effect of the storm warning that had been issued? 55

A. I simply don't recall if we did discuss it. It doesn't come out in my mind and of course I've thought about this, I haven't not thought about it and I just don't recall us talking about it. We may very well have done, I'm not saying we didn't, but I just don't recall.

Q. Of course you knew what a storm warning meant, didn't you? 60

A. Yes. I must say like most people the re-education process which the Bureau of Meteorology has kindly conducted has made us more aware of the definitions of storm warnings

and the percentages of wave height and weather - wind conditions. But as a mariner, I'm aware of a storm warning and the ramifications of a storm warning, yes.

Q. And yet you have no recollection of any undue reaction or any reaction that would excite you to have discussion with Mr Thompson about it? 5

A. No.

Q. From the point of view of a mariner, what are the ramifications of a storm warning? 10

A. Well, essentially you shouldn't put to sea.

Q. That's right.

A. Essentially you should possibly - depending where you are of course, you give yourself sea room if you can't take shelter, simply put. 15

Q. If as you said before it's very difficult if not impossible to make the decision to call off the race from the air conditioned comfort of the yacht club, it really means then that it's left to the individual skippers as to whether they pull out of the race or not? 20

A. Correct, yes.

Q. However, if they wait until they are going to meet the actual conditions, it will almost invariably be too late, will it not? 25

A. If they are able to read the weather forecast and have an understanding of the forecast and understand the ramifications of that forecast, then they - the obligation is upon the skippers to make a decision. 30

Q. But they must make it in anticipation of the events occurring rather than waiting until they meet those events, isn't that so? 35

A. I would suggest that's the purpose of the forecast.

CORONER: Mr Callaghan? 40

CALLAGHAN: Q. Just in terms of communications with the sail training ship Young Endeavour, generally first of all there was the call sign Young Endeavour for the ship itself, or the boat itself, correct?

A. Yes sir. 45

Q. But there was the call sign Telstra Control for the radio control group from CYC embarked in the Young Endeavour, is that correct? 50

A. Correct, yes.

Q. When you speak of communications from Young Endeavour or listening to those communications in the race co-ordination centre in Hobart, you're generally speaking aren't you of communications with Telstra Control? 55

A. That's correct.

Q. Nevertheless you did have some discussion with the

commanding officer of Young Endeavour yourself?

A. That's correct.

Q. You know Lieutenant Commander Galletly?

A. I do.

5

Q. You're also known as Sam Hughes, aren't you?

A. That's correct sir.

Q. In particular, on the Monday morning, that is 28 December, did you have a discussion with Lieutenant Commander Galletly by telephone, by mobile telephone?

10

A. Possibly.

Q. At about 7 o'clock, early in the morning?

15

A. Can't recall but if you remind me - refresh me, rather.

Q. I'll try and jog your recollection and there was a discussion about two bearings or datums which Young Endeavour had been given by RCC, that is by Rescue Control - Co-ordination Centre in Canberra during the night for Winston Churchill. Does that strike a chord in your recollection at all?

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A. No, it doesn't, no.

25

Q. I'll put this little bit more to you, Lieutenant Commander Galletly said that he felt that having gone and looked in the southern position that was given to him, felt that he should go back to the northern position and have a look there and that the search generally should be - in relation to Winston Churchill should go back to the northern position. Does that mean anything to you now you reflect on it?

30

A. I don't recall and I certainly wouldn't deny it. If the commanding officer of HMAS Endeavour - sorry, Young Endeavour rather, Young Endeavour passed that information to me, it's my duty to pass it on to the RCC in Canberra. I make it quite clear sir that I have no search and rescue responsibilities in Hobart, I'm a facilitator and relay it to Canberra.

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Q. Yes, I appreciate that. You did say however in your evidence that you have a recollection of a communication with CO Young Endeavour in relation to not proceeding to look for Stand Aside and diverting to look for Winston Churchill?

45

A. Yes.

Q. That was a communication which you yourself had with Lieutenant Commander Galletly or with his boat?

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A. Yes, I'm quite clear in my mind I did because I was using the boat as opposed to Telstra Control as an asset for AUSAR as opposed to a communications--

Q. How was that communication made? By the radio or by--

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A. Possibly mobile telephone, I can't recall.

Q. There is more precise information which I can put to you

or from another officer from AUSAR in relation to these different positions that were radioed to Young Endeavour. The other officer from AMSA was in RCC, wasn't he?

A. Yes.

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Q. Is it more appropriate to think that I put those questions to him about the--

A. Possibly.

Q. --actual signals or communications themselves?

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A. If it came from the RCC, yes.

Q. Yes, indeed, in fact the RCC messages or communications are designated with a reference, aren't they?

A. Yes they are.

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Q. A reference number?

A. Yes.

Q. For example, a reference AUSAR 98/4381 would identify a signal or a message to AUSAR?

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A. Yes.

Q. I have all those references and I'll put them to the other officer.

25

A. Appropriately, sir. That's gone to the ship via satellite communications, I can see the copy you've got, not via me in race control Hobart. Though they may well have spoken to me about it and I may have spoken to the commanding officer of the vessel and if I did so, I did so and happy to do so. I mean, our relationship with Young Endeavour, not only in radio control but as a professional person out on the water to help us, is a close relationship and a professional organisation which I'm happy to use and talk with any day.

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Q. And by the same token you've done your best to assist us with the best of your present recollection in relation to those--

A. Thank you sir.

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CORONER: Mr Weber?

WEBER: Q. Mr Hughes, you were asked some questions about the 8 o'clock sked on Boxing Day, do you recall that and I think you suggested that you listened to the sked with Mr Thompson. Might it have been that it was Mr Mark Robinson that you listened to that sked with?

45

A. It may have been but Mr Thompson's always been at every sked I went to that I recall.

50

Q. But it might be that he wasn't at that one and that Robinson was there?

A. I don't know, I simply don't know.

55

Q. Does it accord with your recollection that Mr Thompson arrived at the yacht club in Hobart almost exactly at the time that the 1400 sked commenced on the 27th?

A. Once again I don't recall. I would have thought about midday but I'm not sure.

Q. You've been involved as a liaison officer with the Sydney to Hobart Yacht Race since is it 1994? 5

A. Correct.

Q. I think your evidence was that that involvement was at the invitation of the CYC? 10
A. Correct.

Q. Other than one year you've been involved every year since, correct? 15
A. That's correct, the year I wasn't involved another AMSA officer participated.

Q. Which year was that that you weren't involved?
A. Ninety six I think.

Q. So by 1998 you'd been involved in the 1994, 5 and 7 races? 20
A. Yes, I think so.

Q. You'd built up a good working relationship with those whose task it was to run the Sydney to Hobart Yacht Race? 25
A. Certainly, yes.

Q. And by that stage Mr Thompson had been the race director for a number of years, hadn't he? 30
A. Yes, Mr Thompson took that from Mr Halls I think after the 1994 race.

Q. You had a good working relationship with Mr Thompson?
A. Yes I did. 35

Q. Indeed, your relationship with the race management team in the various years in which you've been involved while professional also got a quite friendly relationship? 40
A. Yes.

Q. And in the greatest tradition of yachtsmen they even gave you a nickname?
A. They did indeed.

Q. And that's Safety Sam, isn't it? 45
A. That's correct sir.

Q. Coming to 1998, by 1998 you well and truly felt part of the team in a loose sense of the race management team? 50
A. Yes, I was happy to refer to myself as being part of their team.

Q. In a de facto sense you were, correct?
A. Yes, correct.

Q. There was free flow of information between team members and you? 55
A. Correct.

Q. And never any suggestion that things were kept from you?

A. No.

Q. As far as you're concerned, your views especially on matters pertaining to safety were respected?

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A. On search and rescue, absolutely.

Q. Do you recall that in the 1400 sked on the 27th that Sword of Orion reported in that she was experiencing winds of the order of 70 knots?

10

A. I don't recall and I'm - I don't recall that I'm aware of it, one's read the book subsequently and so I don't - I don't--

Q. What you're saying I think is that it's difficult to know what you knew then and distinguish from what you know now?

15

A. Yes.

Q. But I think your evidence is that it was really from the time of the 1400 sked that the crisis emerged?

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A. Exactly.

Q. And it to use your expression snowballed?

A. It did.

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Q. You were happy with the way that the crisis was handled in Hobart, correct?

A. Well, yes. It fell upon us, it fell upon us and we did our - speaking from my point of view, we did our best to control the situation.

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Q. You were all thrust into an extremely difficult situation, you'd agree with that?

A. Absolutely, yes.

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Q. And in your view the team in Hobart coped with that crisis situation as well as could be expected?

A. Absolutely.

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Q. You were asked some questions about abandoning the race and why couldn't it have been done earlier, you recall that?

A. Yes I do.

Q. It's fair to say isn't it that prior to the time in which the discussion took place that data upon which a decision to abandon the race just wasn't available to you or the race management team, do you agree with that?

45

A. Well, I don't recall having available data apart from obviously the weather forecast, that's the data we're talking about but I don't really recollect seriously seeing a weather forecast that concerned me. In honesty I just don't recall saying - apart from Mr Honeysett saying to me Wilsons Promontory is blowing at 70 knots and that alerted me to the fact that things were deteriorating.

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CORONER: Q. What about Doctel Rager's report?

A. I didn't hear that sir.

WEBER: Q. I just want to come then to the discussions that you say you had with the race management team concerning the topic of abandoning the race. Can I suggest that you had a discussion with Mr Thompson but that privy to those conversations were also Mr Sommer?

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A. I don't recall talking to Mr Sommer.

Q. I'm not suggesting that he actively took part in the conversation but that he was within earshot at least of your discussions with Thompson?

10

A. I don't recall, he may have been but I don't recall.

Q. Mr Thompson's recollection of the conversation that he had with you is to this effect. He said AMSA has asked us - I'm sorry, his recollection, I withdraw that, is that the discussion was in a group which included you, Mr Elliott, Mr Robinson, Mr Sommer and maybe Mr Badinac(?), does that accord with your recollection?

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A. It was 1 o'clock in the morning so I'm not terribly sure who was there.

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Q. But there were a number of people in the--

A. Yes, most of the time, including those persons that you named.

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Q. His recollection of the relevant parts of the conversation was that he said that AMSA has asked us to consider abandoning the race, do you agree with that?

A. Yes.

30

Q. And that he, Thompson, had spoken to the Weather Bureau and that they were unclear on which way the storm was heading but that the winds were forecast to abate to less than 15 knots over the next 24 hours, do you recall that?

A. No, no. I recall Mr Thompson telling me that the winds - the weather was abating.

35

Q. And that he'd spoken to the bureau who'd given him that information?

A. I'm not sure.

40

Q. He says that he then went on to say that I don't think we should abandon the race because the bureau is uncertain of which way the storm was going, do you recall that?

A. No.

45

Q. And that he says that he said that we've stopped getting very high wind reports and it appears that the fleet has weathered through the worst of the storm, do you recall something to that effect being said?

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A. Yes.

Q. He said that if we abandon the race now, they, that is the fleet, may actually turn back into the storm, do you agree that he said something to that effect?

55

A. Yes, along those lines, that was a concern.

Q. Please understand I'm not saying that he necessarily

said precisely these words but I'm giving you the effect of the conversation?

A. Yes, absolutely, that was the general thrust.

Q. Additionally he expressed a concern that if the race was abandoned that you would lose control, you the race management team, would lose control over the fleet because they won't be as vigilant with skeds, do you recall him saying something to that effect? 5

A. No but it's a reality. It's not an unfair thing to say. 10

Q. And it was a concern that you had, I take it?

A. Yes. Control of the fleet of such proportions as the Sydney to Hobart is very important. 15

Q. And your prospects of fleet control are improved if the race is still progressing and people have the disciplines of--

A. Reporting. 20

Q. --reporting in at sked time?

A. Yes.

Q. Then returning to what Mr Thompson recalls him saying, he said there's no point in abandoning, that is the race, we can't remove the yachts from the area, do you recall him saying something to that effect? 25

A. Along those lines.

Q. They're out there and they will have already made the right decision based on their individual circumstances? 30

A. I'd support that.

Q. And not only do you support that as a concept but do you recall him saying something to that effect? 35

A. I don't but I would not deny that conversation.

Q. You support the concept I take it because you're of the view that in any maritime emergency the person who is best able to make a decision as to his yacht and crew is the skipper? 40

A. Absolutely, 100 per cent.

Q. Do you recall any of the detail concerning the communications which you had concerning Business Post Naiad? 45

A. Yes, I can recall.

Q. Do you recall that initially that at race control you had problems getting what might have been a mayday from Business Post Naiad confirmed? 50

A. Yes, I recall that.

Q. But that you were aware that she had been knocked down?

A. Yes. 55

Q. And that while there was an injury on board that she was not in imminent danger of loss of life and that they were motoring back to Eden?

A. Correct.

Q. It's fair to say isn't it that when that information was made available, given the other crises that you had on your plate, Business Post Naiad to your understanding wasn't a ship - a vessel in respect of which you had great concerns?
A. That's correct.

5

Q. A little bit later I believe that you were advised that she might be running out of fuel, do you recall that?
A. No I don't.

10

Q. Are you aware of believing in any event that the yacht Midnight Special was standing by Business Post Naiad?
A. I recall that she may have been. I recall when Midnight Special got in its own difficulty there was some concern expressed that she was standing by somebody and next minute she's in trouble.

15

Q. It came as a terrible shock to everybody at Hobart to ultimately hear that there'd been fatalities on Business Post Naiad, didn't it?
A. Of course, yes.

20

Q. Because it wasn't one of the vessels that you thought was in imminent danger?

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A. My recollection of Business Post Naiad for the record I make clear sir is that we responded to a mayday call from Business Post Naiad and an aircraft went to that position and saw it under way apparently not in difficulty, not to be considered as a distress situation. I think, I'm not sure but I'm quite happy to stand by the fact that I had gone back to the radio relay team on Young Endeavour to ask Business Post Naiad is it still a mayday situation, can you downgrade the mayday and we often do this to ships, boats in particular, or we may ask them to upgrade to mayday if we see the situation appropriate. In this case, if I did that, I will stand by that. We - my team in Canberra, my senior co-ordinator who I was talking to, said that the aircraft had been over it, saw it, it was under way and it wasn't considered a mayday situation and we were trying to confirm that. There was a process of prioritising the assets and Business Post Naiad slipped down, was not forgotten, but it slipped down the priority list, she wasn't in distress. She may have had a distress situation but through lack of communications we couldn't establish exactly. But she was under way, doing five knots, heading towards Eden. So that was the priority.

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Q. And given the range of other crises that you had, she'd justifiably fallen down the list of priorities?
A. Absolutely, we had to prioritise.

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<WITNESS RETIRED AND EXCUSED

<BRIAN JOHN WILLEY(12.05PM)
SWORN AND EXAMINED

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

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A. Brian John Willey.

Q. And your professional address?

A. I work at the Australian Maritime Safety Authority at the rescue centre in Canberra.

10

Q. And you are a senior search and rescue officer?

A. Yes.

Q. I think that you've had 13 years with AMSA in various roles pertaining to rescue, is that correct?

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A. At the time of the race it was about that. It's another year or so now.

Q. Prior to that you were in the Royal Australian Navy for some 21 years?

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A. Yes.

Q. As a seaman officer with the subspecialty of communications, is that--

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A. Yes, that was my qualification when I finished. I came up through the ranks and eventually qualified as a seaman officer which is a bridge watch-keeping officer, and because of my communications background my subspecialty was communications.

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CORONER: Q. Is that a commission? It's not a commission?

A. Yes, it is a commission.

Q. It is a commission?

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A. Yeah.

HILL: Q. I think you've made a statement in this matter, is that correct?

A. Yes.

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Q. I want to deal with that. Do you have a copy of that with you?

A. Yes, I do.

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Q. Page 2, you came on duty at about 10pm on Sunday 27 December, is that correct?

A. Yes.

Q. And you were taking over from who?

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A. Rupert Lambing.

Q. And he had been what?

A. He'd been the senior SAR officer in charge of the race - in charge of the co-ordination of the rescue attempt on the previous shift.

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Q. I think you came on at 10. You were actually due to

take on to the shift at 11pm, is that correct?

A. Yes.

Q. And there was a handover period between you and Mr Lambing?

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A. Yes, that's correct.

Q. And I think you actually kept him there, according to page 3, until about 3 or 4 o'clock in the morning?

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A. Yes.

Q. Though the handover probably took an hour?

A. That's about right.

Q. Just so that I understand this, is that because he is in the middle of something you ensure that you're fully briefed. It's not a case of he looking at his watch and saying right, it's 11 o'clock, and you simply go and he goes home. There's a proper handover to acquaint you with the situation?

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A. Yes. On any normal day that would probably take about 10 or 15 minutes, depending on the nature of activities, maybe half an hour if we've got a SAR response, but the complexity of the Sydney to Hobart race it took - it takes a long time to assimilate all the information that was on hand, so it did take at least an hour.

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Q. I want to suggest to you that in this case it was certainly vital that you be briefed and fully briefed on what the situation was. Is that correct?

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A. Yes.

Q. And in a normal case it is also imperative that you be briefed as to the situation that you're taking over from?

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A. Yes.

Q. You then kept him on until about 3 or 4 clock in the morning, presumably because you required his assistance?

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A. Yes.

Q. I think at page 3 you also say there was an enormous amount of intelligence that was coming in, and then there were people being pulled out of the water by helicopters and landed back ashore and helicopters flying back out. So there was a lot going on?

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A. Yes.

Q. We've heard about giving things priority. How does it actually work?

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A. I think the best way to answer that question is give an example. I'm not sure exactly how long it was after I took over, but three people had been picked up or hoisted off a yacht. I think it was the Stand Aside, I can't remember exactly. And the aviation colleagues who were dealing with the communications with the aircraft and briefing of aircraft told me that one of the survivors was available to talk, did I want to debrief him, and I said yes please. I spoke to that survivor, whose name I do not remember, and I

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put to him that we were getting a lot of information about different yachts being in different stages of distress, and I want to know from him what the situation was with his yacht so that I could assess whether to send a helicopter back to his yacht or to go to somewhere else as a higher priority. So in that situation he explained to me that the canopy that collapsed and every wave was washing through the yacht, and that he felt it was in dire straits, that it could sink at any minute. To me that was much more positive information than I had about any other yacht and therefore I prioritised the helicopter to go back straight to them and get the other people off. That's the sort of thing we talk about when we prioritise. 5 10

Q. Well I want to put this to you. If you have a radio message that says red flare at a particular latitude and longitude. That's it. And you have another radio message that says dismasted yacht, crew on deck waving red hand held flares at a particular latitude and longitude. 15

A. The second piece of information sounds much more detailed, but in all cases you would attempt to debrief and try to clarify the report in itself. Who had seen it, where were they, what had they seen? Was the flare going up, down, left, right, you know, what the visibility was. You try and clarify it. But the second one certainly is a much more solid piece of information than the first example. 20 25

Q. Well what I want to add into that, that you can't communicate any more with the person that's given you that information, those two scenarios, because they may have switched off their radio set. 30

A. Sure.

Q. What priority are you going to give what?

A. The second one has a lot more solid information. I would say that you'd investigate that first. 35

Q. Going back to your statement, you talk about you were trying to correlate - I'm sorry, but page 4 about point 5, it's the sightings with the physical - sightings reports from aircraft and you were just collecting the intelligence and plotting it on the particular charts. What was the purpose of all that? 40

A. When I came on there was a lot of information that had arrived during the preceding shift and some of that had been written up on whiteboards, some of it had been plotted on charts, we were getting distress alerts off the satellite system, and all of those pieces of information had to be correlated. In other words, did one piece relate to another piece. As I recall it, we knew or we had been advised that two yachts were standing by, two other yachts, in case those other yachts needed assistance. As it transpired, later on towards the end of my shift we found that those yachts weren't standing by the ones we thought they were and in fact one of those we believe was in trouble itself, so it wasn't standing by to help another yacht, it was in trouble. I don't remember all the names but the - what I'm trying to explain is that the information was conflicting. You had to 45 50 55

try and put together different pieces of the puzzle and make sense out of it, and a great majority of my shift the only new information we got was actually from the helicopters as they rescued people off yachts. It was dark, the satellite was producing distress alert positions which are approximate in nature, and if we had a helicopter rescuing people off a yacht and a beacon position nearby, we tried to make sense of whether that was the same yacht and same beacon as the helicopter had just dealt with. So really we're looking at a very big puzzle with lots of pieces and none of them joining together, so the whole shift was spent in trying to put the pieces together and make sure we knew what we were dealing with. 5 10

Q. So is it fair to say that the more detailed the information you get, the better off you are in regards search and rescue? 15

A. That's right.

Q. At page 5 you talk about a vessel that was sinking. See the top of that? And in fact that was Sword of Orion. You've told us about someone being picked up and you put that higher on the priority. You were actually talking about Sword of Orion. See if you go back to page 4, that answer there at the bottom of that page, "I wanted to know whether to send a helicopter directly back out to the Sword of Orion to pick them up, given that people in yacht were normally--" 20 25

A. Okay, yeah.

Q. You then spoke to the survivor "and what he described about the state of that yacht made me decide to keep rescuing them before we tried to do anything else because the waves were washing through the yacht." 30

A. Yes. 35

Q. "The canopy had collapsed and it really didn't sound like the yacht was going to last too much longer."

A. Yes. 40

Q. So that was the Sword of Orion.

A. Right.

Q. Any idea what time that would have been?

A. It was after I had taken over the shift and the handover was just - took about an hour or so, so it was certainly after that, so it must have been after midnight but I can't tell you how long after midnight. 45

Q. At page 5, the answer there to this question "you had a conversation with Sam Hughes who was in Hobart at the time on a number of occasions," and you answered "twice I think that night because one of my assistants had rung the race control earlier. I'm not sure, it was after I started my shift or just before I started my shift, and they obtained some information but I rang Sam because once I got an appreciation of what was happening, several of us within the rescue co-ordination centre came up with the idea, I'm not 50 55

sure who said the words first but I put to Sam that they should call off the race, and my view was that if they called off the race the effect of that decision would be to stop the yachts trying to push ahead in a race situation and therefore confronting the weather in a more harder way than they would normally, so they could just either turn around and come back safely or carry on slowly but not racing. That was my idea or that was the idea of the consensus in the rescue co-ordination centre." So part of this is that what you're - well what are you putting forward there as to why they should cease racing? 5

A. I guess a good analogy is say a car race, a formula one car race. If there's a real problem in the race circuit, the race controllers call that race off to provide safety to all the participants. It's different in a yacht race obviously because they can't just all stop and hop out of their yachts and go home, but certainly what we envisaged happening is that if the race control could call off the race then everyone, all of those participants would know that there is a severe problem, right, and it's not clear to me even now that all the race skippers understood that there was a severe problem. So there is an onus in my opinion on race control having some responsibility there. So we had discussed this and as I said in here, I don't remember who raised it. We talked about it, we thought it was a good idea, and that was the analogy that we - I think we came up with, that it was a way of getting a message to all the other participants that we got a bad situation and that you got to look after yourself. We didn't know whether they were going to turn back or keep going, that was the skipper's responsibility, but he would have known at least that there was a serious situation. 10 15 20 25 30

Q. In other words, as you've said there, so that they wouldn't be confronted in a hard way. They could have gone on, they could have basically made the best decision for their own safety. 35

A. That's right.

Q. You weren't suggesting for one moment that they should all simply turn back or anything like that? 40

A. No, and that's not our responsibility, that certainly lies with the skipper, but he has to have information in order to make a decision and that's what the emphasis was. 45

Q. And you go on to say "I put it to Sam and then we finished that conversation. He rang back later so I think it's the later conversation that you're probably referring to where he gave me a response to my request." Then you were asked this question "well what that was response?" and you answered "well basically he had consulted with people in the race headquarters in Hobart. They had seriously talked about the possibility of calling off the rescue" - and I think you mean race there do you? 50

A. Yes, I did. Certainly weren't going to call off the rescue. 55

Q. Sorry?

A. We certainly weren't going to call off the rescue.

Q. Okay. "Calling off the race and that's what he told me, and they had taken it as a serious suggestion and considered it but they had decided that the real factor" and you talk about rescue and race, "they had decided that the real - the only important consideration was the weather and they believed that the weather was abating and that they believed all the yachts had been through the worst of it at that point and it didn't seem to be much point in calling off the race because the yachts had all slowed down anyway, in his words. They were in survival mode so they weren't really racing." So you got that information that they'd all slowed down and they were in survival mode anyway?

A. Yes.

Q. And that answered your question as it were, or your concern that they may be confronting the seas in a harder way?

A. That's correct.

Q. They were still going to think about it overnight and discuss it again early in the morning to see how the weather had changed. That's what you were told?

A. Yes.

Q. And you say then "and I actually put it to him that I thought I should give him that request in writing and he suggested that if they - if we wanted it in writing that we should - I should get my duty manager to do that." When you say that request in writing, it's the request to call off the race?

A. Yes.

Q. You were that concerned that you were, if you like, upgrading this conversation to something that you were actually going to put in writing because you still considered it serious and it should be called off?

A. That's true. It's hard to recall exactly what you were thinking. We were getting - we were getting 150-odd phone calls an hour during that shift and there was a lot of things happening all at once so I don't recall my actual thoughts, but certainly I wanted Sam as our representative there to make sure that the race control understood that this was a serious request, and he had told me that they believed the yachts were in survival mode anyway, so that allayed my fears to some extent I guess. I'm not sure what else to add to that. I did intend to discuss it with my duty manager when he came on duty at 4am, but I think events overtook it. We were so busy I never got the opportunity.

Q. Well you go on to say "we discussed it a bit more and I can't remember exactly the words but our duty manager, this was probably 1 o'clock in the morning, our duty manager was coming back on at 4 o'clock so I committed myself to talking it over with him. Sam committed the race control to discussing it again and deciding later in the morning to see if the weather had changed in any way and whether or not

they should call off the race. Now as it turns out we never got back to discuss that."

A. That's correct.

Q. And as you say, events took over that. That was not just, as you've told us, not just your opinion for calling off the race. That was something that had been discussed within the rescue co-ordination centre?

A. That's right.

Q. Did the fact of the resources that you had enter into this?

A. The suggestion was made that we were having trouble coping with the rescue effort. There's only a certain number of helicopters available, there's only a certain number capable of operating at night and they're the Navy helicopters. In the rescue co-ordination centre itself I think we had about 20 people there at the time and all of us were flat out doing various tasks. So it was the resources available to us in the rescue centre and it was certainly the physical assets, helicopters and vessels at sea, who we could call on to help. We felt they were stretched. I think that was the consensus or the sum of the conversation. We felt they were stretched and we didn't know if it got worse if we were going to be able to cope with it. So--

Q. Sorry, go on.

A. I was just going to say that having had this discussion with two or three of the team, I felt it was quite reasonable to ask for the race to be called off, to relieve the pressure on us I guess was the ultimate objective.

Q. And indeed, if people were in fact still racing and taking the sea hard, they could get themselves into difficulty and this would simply add to your problems?

A. Yes.

Q. So it was a very real concern in a sense of if you could just slow them down you're not going to have as many casualties. Is that the line of thinking?

A. That's how we thought. It's probably a naive thing, we weren't out there in those conditions, to think that slowing down would prove a solution for them, but yes, that's how we felt.

Q. Page 9 of your statement, question 30, the description of vessels, any identification of vessels, photographs, and you said "not a lot of information in the way of description or photographs. We had a list of race participants that was given to us by the race control. I think we had that before the race and they updated that by fax certainly once in my shift with their comments on it which stated which yachts they believed to have withdrawn and who was still racing and so on. As it turns out that wasn't very accurate because that information also was not up to date." There's about three or four things I want to discuss in there. First of all, information, description or photographs. You had none of those things?

A. No. We had a list of names of the participants, we may have had descriptions of some yachts. But to be honest, I was running a shift in the middle of the night and having a description of the length and colour and other features of a yacht wasn't going to help me very much during that shift. 5
In reality if you're searching for a missing craft in daytime and you've got a description of it and you see something of the same colour floating in the water upside down, that might help you decide that the piece of what you have found is the yacht that you're looking for. So 10
descriptions are useful, but in the Sydney to Hobart race that night I don't think they would have helped us, certainly not on my shift.

Q. Can I suggest this to you, that the best form of information you would have had is that if there was a communication between the actual distress vessel and the aircraft itself, if they could have communicated. 15

A. That's certainly absolutely true. The best way to yell for help and convey that, that you need assistance, is to say who you are, where you are, what the problem is and what help you want. If a helicopter gets out there and all he can do is look at you and not talk to you, he doesn't know whether you're sinking, he doesn't know whether you're in dire straits. All he can say is what he sees, and if he sees a yacht floating, not down by the bow, not laying on its side, he can report that a yacht's floating. Now he can't say that they're taking water fast underneath because they've got a hole in the side of the hull unless he can see the hull's down, so he can only report what he sees. So 20
communication with the yacht if possible is the best way to produce intelligence that we can use. 25 30

Q. The reason I asked that question of course is because communications that are carried on board yachts is part of the inquest that we go into. So undoubtedly if they can communicate with the aircraft it's just so much simpler, it's easier and it's better all round? 35

A. Absolutely. 40

Q. Page 12, I think at the top of that page, that is 12, I know it's part of an answer but it was a long answer. "It was the name, the situation, whether they were in distress or not or whether they were standing by another yacht. It was what they were doing more than what they looked like that we were trying to sort out." So once again it appears to be coming through that the problems that you were having was that you couldn't actually communicate with the yachts? 45

A. That's correct. 50

Q. What about with Telstra Control? Were you able to communicate with them or what had happened? 50

A. Well the race control centre in Hobart communicates with the radio relay vessel, and if they've got some information which is of use to us we would expect it to come via Sam, our representative in the race control centre, or one of the other officers in that centre. I'm not sure where I'm going with this question actually. If they can communicate 55

detailed information about the situation with a yacht, we prefer they pass it to - we expect them to pass it to us.

Q. You see, Business Post Naiad had to communicate through another vessel, Yendes, which then communicated to Telstra Control which presumably then was communicating with Sam, that is Mr Hughes, who would then communicate with you.

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A. Yes.

Q. It just seems a long series of steps. Can you think of any solution to that?

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A. When nothing's happening, when - sorry, when nothing is going wrong in a race, the most appropriate thing is for the race participants to report in to race control. They give their position and whatever else they need to say. When an emergency situation exists, in the rescue centre if we can get communications directly to us that is far preferable. I think in my conversation with the - in the - when I was interviewed by police I made the suggestion that in the distress situation I would prefer to have all the communications coming direct to us, so the - and what I'm saying is that maybe when it all goes wrong there should be a new plan, a new communications plan, so that we get the reports and not relayed via other people, we get them straight away. I haven't delved into how that might be set up, but certainly that would be a solution in my mind.

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Q. So what you would like is say to have been able to communicate directly with Business Post Naiad?

A. If he had long range coms, yes, but if had short range coms and he was going to the relay vessel then the relay should be coming to us, not via race control in a distress situation.

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Q. I notice that at page 12 as well that "some of the aircraft" - and this is down the bottom, the last three lines - "a lot of the times they were going out, they were getting direct communications with yachts themselves on VHF hand held short range radio, so they'd be sent out to position by us to look for a yacht. If they found that yacht they would deal with it and they found something else they would deal with it." So this hand held VHF short range radio was useful?

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A. Yes. Obviously some of the yachts had it, others didn't. That means they had direct communications with the yachts. The helo(?) could talk to the yacht when he got out there.

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Q. I'll just go to page 21, and these are some recommendations on page 21 to do with the direct communications you'd want with race control and the rescue co-ordination centre.

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A. Yes. Well I think I just said a little bit about that in answer to your last question, but essentially if there's distress traffic, that's a word for messages, passing to and fro it would be better if it was passing directly between us and the distress vessel or someone in contact with the distress vessel and not via any other link. The more direct

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the link, the more faster it is and the more accurate the information.

HILL: I've nothing further, thank you.

STANLEY: Q. Mr Willey, when you came on duty on the Sunday evening did it mean a total new shift came on, you and other members of staff?

A. At the time we were doing eight hour shifts, we've since changed to 12, and we had a staggered handover. As a senior co-ordinator I took over an hour before a SAR co-ordinator. The normal shift team was two aviation SAROs, a senior and a SARO, and two maritime SAROs, a senior and a SARO, and a communications officer. That's the standard team and we have come on, the two seniors at 11 and the two SAROs an hour later. But of course that night there was about 20 people in the RCC, they'd been called in at different times, so there was a whole lot of people there. It wasn't - it wasn't a normal situation.

CORONER: Q. Were they doing work in association with the race?

A. Everyone was involved in some aspect of the SAR response. People were getting weather information, plotting that up on state boards so that everyone can see it. They were correlating reports from aircraft, they were arranging observers for other aircraft to go out, they were arranging fuel supplies for aircraft. There's a whole logistical aspect of a search which we participate in. You need lots of people to do that.

Q. So the information and data collection was being funnelled through to the SAROs in a fairly orderly way, is that the position?

A. Orderly is probably optimistic for that night I think. It was hectic. It was controlled but only in so far as when you're answering 150 - or dealing with 150 telephone conversations either in or out of the RCC an hour, it was hectic and correlating all that information and putting it together was a big task.

STANLEY: Q. Mr Willey, approximately how long after you started your shift, or perhaps more directly, at what approximate time do you believe it was that you first rang Mr Hughes with the request that the race be called off?

A. I actually instructed one of the SAROs to ring him and convey the message that we wanted the race called off, and my conversation with Mr Hughes was when he called back to give me the response, and--

Q. Well perhaps can I just ask you, when do you believe the request was first made of Mr Hughes by the SARO or anyone else from your office? Approximately what time was that?

A. Probably some time between midnight and 1am, in that bracket.

Q. And how long after that call was it that Mr Hughes came back to you?

A. I can't remember the exact amount of minutes, but it was at a stage of the evening where there had been a bit of a slight lull in activity and we got most of the team around the chart table and the state board - the state board is a big white board - and we were trying just to come to grips with the situation and we were getting input from everyone. I mean there was lots of people getting phone calls so you couldn't always know what they just learnt, and we were having a meeting and I was called out of that meeting to answer - to take the call from Sam, and because it was such an important call I wanted to talk to him. 5 10

Q. My question though however is approximately how long after you had organised for the request to be made by the SARO was it that Mr Hughes rang you back? 15

A. I think it was in the order of a quarter of an hour, 20 minutes, something like that. It wasn't very long.

Q. And to the best of your recollection now, is that the only telephone conversation you had with him or was there a second one? See in your statement or your record of interview you say that you spoke on - you spoke twice to - you said-- 20

CORONER: What question, Mr Stanley? 25

STANLEY: Q. This is question 17, it was put to you, you had a conversation with Sam Hughes who was in Hobart at the time on a number of occasions and your answer, do you see this on page 5?

A. Yes.

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Q. Your answer was twice I think that night because one of my assistants had rung the race control earlier, I'm not sure if it was after I started my shift or just before I started my shift, and they'd obtained some information but I rang Sam because once I got an appreciation of what was happening several of us within the RCC came up with the idea, I'm not sure who said the words first, but I put to Sam that they should call off the race. Does that cause you to--

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A. No. That's certainly what I said in the interview. That's probably--

Q. What do you believe is in fact the correct position?

A. I think what actually happened is I asked one of my offsidiers to make the call, because I was still dealing with a whole range of information and it was a question and I didn't need to ask the question myself, so I asked someone else to ask it and I certainly talked to him when he responded but I think there was only the one.

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Q. You made it pretty clear to Sam what your views were didn't you?

A. Yes.

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Q. It wasn't just a casual what about calling off the race, it was I think the race should be called off?

A. It was a very serious suggestion.

Q. And indeed that's why you said to him, when he told you that the decision had been made or the consensus was that it should not be called off, you said well I should put this in writing?

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A. Yes.

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Q. That was really to not just cover yourself but to indicate the seriousness with which you regarded the situation?

A. Yes.

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Q. When Sam rang you and told you that there'd been discussion and they weren't going to call it off, at no time did he tell you that there had been any discussion with the Bureau of Meteorology in that core time hour between your two calls, did he?

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A. No, that never came up.

Q. It was never suggested to you that the bureau had been involved in any way at that time?

A. No, it never came up.

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CORONER: Mr Callaghan?

CALLAGHAN: Q. Mr Willey, you were in Court this morning were you?

A. Yes.

Q. And you heard the questions I asked of Mr Hughes in relation to messages with Young Endeavour in relation to the position of Winston Churchill?

A. Yes.

Q. I just want to go through that situation in a little bit more detail with you as the unfortunate appropriate officer of AMSA. It covers a time when you weren't on duty, I accept that, but what I'll do is I'll hand to you a bundle of three pages. I'll distribute these your Worship and give your Worship a copy. Now, correct me if I'm wrong in my description of what these seem to be. These are a series of satcom messages with Young Endeavour, correct?

A. Yes.

Q. Fortunately they're now numbered, which will make our ability to deal with them quickly a little greater. The situation obtaining it would seem at about 1628 on 27 December is that Young Endeavour was on route to Stand Aside, we pick that up from the first message?

A. Right.

CALLAGHAN: If I might just explain, your Worship, these messages or a lot of them have a date and time line, you see on message number one a series of digits followed by the Zulu, letter Z and then December '98.

Q. That is and again Mr Willey correct me if I'm wrong 27 December 1998?

A. Yes.

Q. At the time 0528, 5.28 Zulu which is Greenwich mean time?

A. Yes.

Q. We have to add 11 hours to bring that back to daylight saving eastern time, is that right?

A. That's correct.

Q. That's Kilo time is it?

A. Yes. Well, it's not Kilo--

Q. It's not - no it's not--

A. It's plus one.

Q. Kilo plus one?

A. Yes.

Q. That's how we work out the time in our terms of these messages?

A. Yes.

Q. Then in message 2, Young Endeavour advises RCC that she's received a mayday from Winston Churchill, giving a

position approximately 20 nautical miles southeast of Twofold Bay, which is at Eden, you see that?

A. Yes.

Q. And they're abandoning the ship to liferafts. Then there is an ABC aircraft in contact, I think that that's what that says, is that so?

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A. Yes.

Q. RCC then communicated a mayday situation to all ships in message 3 with a position concerning Winston Churchill of 27 degrees 14 minutes south and 150 degrees 19 minutes east, so it gave a latitude and a longitude?

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A. Yes.

Q. Young Endeavour in message 4 then advised that whilst on route to Stand Aside she was 10 nautical miles south of Winston Church, she wanted to be prioritised, that she intended proceeding to Winston Churchill unless otherwise advised?

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A. Yes.

Q. Then there was a communication which is message 5 here at about 1746, at quarter to 6pm in the twelve hour clock, from RCC to Young Endeavour repeating the position and confirming that Young Endeavour should proceed to that position. Then the mayday situation in the previous communication from RCC, that is the communication in AUSAR 98/4372, was cancelled, see message 6?

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A. Yes.

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Q. And then the new mayday situation communicated is in message 7, that's AUSAR 98/4381, that gives a position for Winston Churchill of 37 degrees 46 minutes south, which is some 30-odd nautical miles further south than the previous latitude, you see that?

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A. Yes.

Q. It went from 37 degrees 14 minutes south to 37 degrees 46 minutes south?

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A. Yes.

Q. That situation was - that datum was confirmed then in message number 10 timed at what time?

A. 0941 down the bottom.

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Q. Yes, 0941, yes.

A. That's--

Q. 8 o'clock?

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A. 8.41 at night.

Q. Explaining it would seem the position of 37 degrees 46 minutes south by reference to an aircraft sighting?

A. Yes.

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Q. Incidentally, that reference there is of a report by VH-SAR, is that--

A. That's the call sign Sierra Alpha Romeo.

Q. For the particular aircraft?

A. Yes.

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Q. Appropriate call sign for a search rescue plane, isn't it. It evidently overflowed the yacht at about 20 to 6 in the evening? That would be--

A. 1739, yes, that's correct.

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Q. And helicopter search was under way. Then over the page, message 11, Young Endeavour got to - we've lost our date and time line here I think but she eventually got to the position 37 46 south 150 33 east and it would seem saw nothing, she hove to?

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A. Mm.

Q. And reported on the weather conditions prevailing?

A. Yes.

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Q. Then in message 13, this is in the early hours of the Monday morning, the position goes back to the initial position of 37 degrees 16 minutes, 16.5 minutes, south?

A. Yes.

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Q. There was of course a variation in the two datum in relation to the longitude as well I think?

A. Yes, it's slightly different.

Q. Slightly different.

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A. Yes.

Q. But perhaps the significant one is the difference south?

A. Yes.

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Q. For each minute of latitude it's a nautical mile isn't it?

A. Yes.

Q. That basically is the situation Mr Willey, that as Navy recorded it through Young Endeavour. Is there anything you want to add to that situation? Do you have any idea, any further knowledge about this?

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A. As you said, I wasn't on shift when all these messages took place. This was before I came on shift. It certainly appears that there was initial information about the position, if I'm guessing right, it came from Young Endeavour itself.

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Q. And that was 20 nautical miles southeast of Twofold Bay?

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A. Yes. And then it appears there was an aircraft sighting indicating a different position and that's where the latitude and longitude's been changed in these messages.

Q. What about the initial lat and long in say message number 3? I think the 27 should - perhaps that should read 37?

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A. Yes, it certainly should.

Q. It should read 37?

A. Yes.

Q. Instead of 27, that's--

A. Yes, that's changed the situation a lot if they got that far north. 5

Q. No, I think they might have wished they were. There's no indication though is there whence that precise position came? 10

A. The first one?

Q. That lat and long reading?

A. The first one, you mean? 15

Q. Yes.

A. If you're asking for my opinion?

Q. Yes.

A. It seems the initial information said they were 20 nautical miles southeast of Twofold Bay. It appears to me that when the RCC issued the broadcast they turned that general location into a latitude and longitude and then broadcast it. Unfortunately there's a mistake been made in the latitude of 27 instead of 37, so that-- 20 25

Q. Yes, that would be an obvious mistake?

A. Yes, that's a mistake. But it appears to me they've turned the approximate or general description of 20 nautical miles southeast into a lat and long. 30

CORONER: Q. Are you able to tell me from this and you may not be with the initial - the distance in nautical miles roughly between the two positions? 35

A. Twenty seven and 37? Or--

Q. The first one?

A. Between 37 14 and 37 36?

Q. Yes. 40

CALLAGHAN: Q. Thirty seven 46.

A. Forty six, that's the difference between 46 and 14.

Q. Thirty two. 45

A. Thirty two. So it's about 32 miles--

CORONER: Q. Talking about 32 miles.

A. --or thereabouts, given we've also got a bit of east and west in the longitude, so I'd have to plot it to give you the exact but-- 50

Q. So in effect the Young Endeavour has started to go in one direction and then been instructed to come about and go in another direction? 55

A. Yes. I don't know where the Young Endeavour was in relation to either of these positions, whether--

Q. No, I understand that.

A. Yes.

Q. But it certainly had to change direction, had to change course? 5

A. Yes.

CORONER: Yes, we'll hear more from Captain Galletly I've no doubt. Mr Weber? 10

WEBER: Q. Mr Willey, in answer to a question from Mr Hill concerning your conversation with Sam Hughes, according to my note you said that you wanted Sam to know it was a serious request, do you recall saying that? 15

A. Yes.

Q. Was the request to which you were referring a request that the race management team consider calling off the Sydney to Hobart Yacht Race? 20

A. That's correct.

<WITNESS RETIRED AND EXCUSED

LUNCHEON ADJOURNMENT 25

HILL: Mr Coroner, before I call the next witness, the situation is I've spoken with Mr John Young outside the Court during the lunch break amongst others. He is from AMSA and what he is proposing is he's going to find out what's been going on in regard to the matter that has been raised this morning and he may be available to give evidence directly after Lieutenant Commander Galletly, I'll use the master of the Young Endeavour, on Friday. That though is not for certain, so I'll just keep people informed about that. 30 35

<CRISPIN FLETCHER GEORGE(2.12PM)
SWORN AND EXAMINED

HILL: Q. Sir, would you give this Inquest your full name please? 40

A. Sir, my full name is Crispin Fletcher George.

Q. Your professional address?

A. Is care of HMAS Albatross, Nowra, New South Wales. 45

Q. You are a captain in the Royal Australian Navy?

A. Correct.

Q. During the Sydney to Hobart Yacht Race in 1998 you were the commander of the Australian Naval Aviation? 50

A. That's correct.

Q. And that was situated at Nowra was it?

A. Correct. 55

Q. At HMAS Albatross?

A. Yes.

Q. I'll take you to a document which is numbered 1 in a series of documents and it is a letter that you wrote to the Commodore of the Cruising Yacht Club of Australia on 12 July 1999, do you have that with you? It's the one that begins dear Mr Van Kretchmar. If you don't, I can hand you a series of these documents. 5

A. It's reference Kenar(?) 1/25/2 of 12 July 1999, I have it.

Q. Mine is actually Kenar 1/25/1. Does it have paragraph 1 I write to you about this subject because I am accountable for the performance including safety of RAN aircraft? 10

A. It does.

Q. Including the Sea King and Sea Hawk helicopters that took part in MARSAR(?), now what is MARSAR? 15

A. It's a maritime search and rescue operation, it's just a fairly universal convention for titling such an information.

Q. Which occurred during the 1998 Sydney to Hobart Yacht Race. You say having read the CYC review committee's report, I am concerned that the risk rescue helicopters were exposed to during the MARSAR does not appear to have been quantified nor have all potentially effective risk mitigating measures being identified in the recommendation section of the committee's report. Now, what I'm going to do is break that up. First of all, the CYC review, that's the review that was conducted by the CYC on the Hobart race? 20

A. Correct, which resulted in the promulgation of that report I think of July 1999. 25

Q. What do you mean by you're concerned that the risk rescue helicopters were exposed to?

A. As Conaus Navair, which is the shortened title of Commander, Navy Aviation Force, I'm responsible to the Chief of Navy through the maritime commander for the operational effectiveness and safety of naval aviation assets and the process there of assessing that the risks had not been identified and at least taken into account during in this case the Sydney to Hobart Yacht Race was borne out by the fact that I saw no mention of that issue in the CYC's report. So I sought to open the subject with the CYC, so I could find if that was indeed the case. 35

Q. You then go on to say in paragraph 3 the terms of reference of the review of the 1998 Sydney to Hobart Yacht Race were not promulgated with the report arising from it. It is therefore not practical to know precisely what the CYC's objectives are with regard to the review of the Sydney to Hobart Yacht Race but the foreword of the report states that the recommendations identified by the committee would, if they were implemented, improve the safety of competitors. Now that's directly out of their report itself and they're simply the recommendations, compulsory and recommended. What are you actually saying there? 40

A. There's a number of questions in there. With regards to understanding what the terms of reference were, they weren't promulgated, I believe they are now, and they might be for 55

example to find out the causes of the accident and how to prevent a recurrence but they also might extend into other issues. It might not just be to investigate the safety of the race, so I didn't presume that. By referring to them in the context of the outcomes under the headings of recommended and compulsory, I thought they hadn't gathered - my opinion, which I wished to discuss with them was that in combining the compulsory and the recommended, I did not think that they'd minimised the risk to in my particular professional case the rescue agencies that might become involved to the maximum extent possible. And I then went on to identify why I thought that and indeed I also did not understand why there were the two divisions of outcomes, recommended and compulsory, because some of the recommendations would in my view have increased the safety and therefore reduced the risk quite extensively, in my view.

Q. That's where you go on and you say I am not a yachtsman but from my knowledge of search and rescue and sea survival I assess that if both, and I stress that, if both the compulsory and recommended improvements promulgated in the recommendation section of the report were implemented, general safety of the race would be substantially improved, well beyond the level that would be achieved by implementing merely the compulsory changes. So that's your view, having read all that?

A. That's correct.

Q. But I propose safety would not however be improved to the maximum extent practicable. I take it what you're saying there is that even if you implemented the compulsory and the recommended, that would still not bring it to the maximum that is practicable?

A. Correct.

Q. Then you go on to say that at this point I have difficulty with understanding what level of safety the CYC seeks to facilitate or impose but by segregating changes into two categories of priority indicates and perhaps I misunderstand that there are other considerations influencing the required outcome. You then went on and you said this. At the outset I indicated my concern was primarily about the helicopter rescue dimension of the Sydney to Hobart Yacht Race and the risks borne by aircraft involved. You have a model of a yacht there and a model of a helicopter. At some stage during this you wish to show us the difficulties that arise as far as the helicopter is concerned, so at any stage you want to explain that, please stop me and go right ahead. So you go on, that is not to say that I am unconcerned by risks to the race competitors themselves, I am, particularly so because as was the case during the 1998 Sydney to Hobart Yacht Race it has been implied by the review committee's report when yachts find themselves in a distress situation, the rescue services, including Naval helicopters, are likely to be called. Therefore the safety of in this case the Sydney to Hobart Yacht Race yachts and competitors has a direct relationship

with the safety of the risk borne by the rescue services. It follows that if we can improve to the maximum extent practicable the safety of the competitors we probably have also achieved the outcome for the search and rescue services.

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A. May I say at this point please that I would wish to emphasise that in no way was I seeking to make the involvement or participation or assistance by Navy helicopters then or in the future conditional upon the level of risk, that is not the outcome I'm seeking. It is merely to identify and manage the risk before it is imposed upon the evolution.

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Q. At the next paragraph you go on to and once again you emphasise the compulsory and the recommended improvements, if they were made, and this is the last four lines, there would still during the future Sydney to Hobart Yacht Race designed primarily for racing with substantially unqualified in the formal sense crews probably heading into very bad weather. So what you were saying there was there would still be that risk, even if you implemented the compulsory and recommended?

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A. Yes. I would like to emphasise the first part of that paragraph if I could--

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Q. Yes, certainly?

A. --because that sort of sets of context, the context of risk assessment, risk as an entity. It's very difficult to know what the outcome in terms of risk is being sought by the people involved the Sydney to Hobart Yacht Race. I have not seen it identified. I see in the foreword of the CYC's report and I've heard, you know, just peripherally from many sources that the Sydney to Hobart Yacht Race is deemed to be one of the toughest yacht races in the world and I think toughness is an element of that risk and people don't want to impact upon that and I certainly would not wish to damage the attractiveness of the Sydney to Hobart Yacht Race but I think it is important to identify what the level of risk is that is acceptable in terms of how long is it expected to be reasonable before a rescue is available to a yacht with an injured person on board, or in the case of a sinking, what is the alert time, what level of skills should the crews have within the boat, because after all it is a category 1 race, your Worship I presume the category 1 race definition has been discussed, where a boat is to be substantially autonomous and independent for long periods of time. Just how much does that apply, when here we are discussing the availability of rescue services. I think that scene needs to be set, so then we have a base line, that's what I was searching and I wanted to discuss that with the CYC. I still don't have a feel for that, although there is clearly an implicit expectation in everything that's been discussed in the CYC report and subsequently and that is that rescue services should be fairly immediately available. But getting onto your second point about the skill sets, I saw that there is a great deal of stock, in fact complete stock, put in the experience of crews but the specific skill sets one might wish to see in a crew regarding interpretation of

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weather forecasts, treatment of injuries, understanding rough weather tactics for three that were in question. Specific skill sets. That seems to have been understood to be implicit with experience, ie distance sailed, races participated in and I found that linkage a little uncertain and certainly within the CYC report and I may have misinterpreted it and I may have misinterpreted the subsequent entry form for the 1999 race, but it leads me to believe that no formal qualification is required to sail a boat to Hobart and I found that slightly different, in fact substantially different with other spheres of activity in my case, aviation, where formal qualifications, specific assessment of skill sets, is required, particularly when you are managing other human lives.

Q. When they talk about an experienced crew and we've heard evidence of people who have been sailing in many of these races, 30 Sydney to Hobart Yacht Races, but of course had not seen or not been in a liferaft. Is this what you're really talking about, that that sort of experience doesn't really equate with being skilled?

A. In the case of liferafts, it does not. May I say please that I'm not criticising CYC here, it is perhaps in large part because I don't understand. I certainly respect their judgment and I'm sure there certainly is an implicit read across of skills in the school of hard knocks and during races, but it is difficult for someone reading a review, analysis of why an event occurred, in the case you raised, liferafts, and they didn't know how to deploy it, they didn't understand the factors applying to the use of liferafts, the concepts of survival times. I find that difficult to relate to an assumption that it would be present in someone who's sailed X races or Y sea miles, you know. But I would understand if they had attended a seminar and conducted for example practical experience in a seaway with a liferaft, then I would understand that, but just to have the fact that you've sailed in a race, you then were sufficiently experienced to go to Sydney to Hobart doesn't for me fulfil the requirement.

Q. In fact you could have sailed in the race I suppose and had simply good weather and it wouldn't mean anything?

A. And oftentimes I'm sure that's the case.

Q. You say in paragraph 6 from a helicopter rescue perspective, I propose the following (a) a formal and certified training in standardised rescue should be conducted for all competitors. Is that to preach perfection though?

A. I'm sorry, could you repeat the question sir.

Q. Where you say a formal and certified training in standardised rescue should be conducted for all competitors, bearing in mind that these are not compellable, they are civilians who will do or won't do and even though it would be good to have all of them trained, that's all the competitors?

A. I think I understand the question. I take your

technical point but I would respond by saying it is - I'm perhaps reflecting a slightly military approach to a responsibility of care of a skipper of a boat in that case, you know, the regulations currently require a training in this regard of safety for I think 30 per cent of the crew, possibly half the crew. My point there is to emphasise the word all. I just think that - and now perhaps is the time to discuss the broad issues of helicopter rescues to yachts, because I just know that when you have got a helicopter overhead or you want a helicopter overhead it is a little late to be instructing the remaining two-thirds of your crew in rescue and survival techniques. That is my humble submission, that is just my personal view. But can I--

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Q. That's fine.

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CORONER: Q. Go ahead.

A. The dynamics of - and I'll address this to you sir, the dynamics of the yacht rescues and we've experienced a number in recent years and they come through two to three times a year at night we get the call and it is true we are probably the most appropriate aircraft to be called upon to conduct night rescues, not because we can see in the dark, we do not have that equipment fitted to any of our aircraft, we for the 1999 race had stabilised night vision binoculars but we did not for the 1998 race, so we were no better equipped for finding people, that is other than with our optics that God gave us than any other aeroplane. We certainly have got currency and training in the maritime environment. Now, the seas were at times and I know that you have heard this up to a swell and wave combined of 70 to 80 feet high. All the yachts as far as I'm aware and I could be wrong, there may have been one or two that were not, were dismasted. I have constructed here an average 40 foot, a boat, it's not intended to represent any of the boats that were in the 1998 race but it's an average 40 foot with a proportional mast there, which is intended to indicate that we've got a bunch of business here and a very small keyhole down there which is the cockpit to which the aircraft will be seeking to transfer. Here we have got a Sea Hawk helicopter and it is to scale. The thing, although this is not visible to the Court I guess, is the first thing is that the aircraft is larger. This is an aircraft which is about the same size as the Sea King, Western Sea King, this is a Sikorski Sea Hawk, or it's supposed to represent that, and it's 50 feet from its nose to a vertical line dropped from its rearmost part of the fuselage. Fifty feet long. The boat is about to scale 38 feet long, so immediately the aircraft is much larger. The aircraft weighs upwards of 10 tonne.

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HILL: Q. I think that what you wanted to bring to the attention of the Court is that people have a perception of the helicopter being quite small as against the yacht, wherein in effect it's quite different?

A. It's several times larger than the yacht in terms of mass and in size. I wanted to explain the dynamics, the larger part of the risk components here. First of all with an untrained crew you can assume and in several instances

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during the 1998 race the aircraft was not, as you heard this morning, in communication with the crew and they are untrained. We are in force 10, force 11 seas, it's now 2 o'clock on the morning of 28 December 1998. We have a Sea Hawk on short finals, that is about 150 yards astern 5
downwind of the yacht. It must operate with its nose pointing into wind, it has very - particularly in the 55 to 60 knot occasionally stronger winds, there is absolutely no option to operate sideways, the tail rotor just does not have that amount of authority. The point that is not 10
understood by many people including aviators, those that are not current with operating in a maritime environment and there were those during the 1998 race and that also is an issue, aircrew training, aircrew familiarity in that environment, some of them did not have any. 15

CORONER: Q. Are you talking about civilians and police?
A. Civilians and police sir, yes. So we now go to the yacht. The yacht has lost way, it's lost its mast, the crew is traumatised and untrained, they are expecting someone to do something for them. They have let off their EIPRB, perhaps have VHF, sometimes not. Their boat is holed, it's taking on water. It's beam on to the sea, because it can no longer maintain steerageway. Some of them had liferaft ..(not transcribable).. and that's denoted by the little liferaft here. So what I - the intention of that is to show that the boat is lying substantially beam on to the weather and therefore taking seas across its side and it wasn't ever designed to do that but that just happens to be how boats lie, most boats, single masted boats anyway, lie beam on to the weather. So every crest of the wave that comes through in 10 seconds with a 40 foot, 50 foot drop on either side, is experienced by that boat. This aircraft also and it's several waves away at this stage, has to maintain a relative height on short finals of 100 feet. Because it's not lying exactly beam on, it is lying probably obliquely across the wave, it is tending to corkscrew and corkscrew in the weather that was out there at least 50 degrees pitch and roll. So this corkscrew action and it's translating the position to which this aircraft is seeking to transfer to and from through a very wide arc indeed. The liferafts are just not constructed to be imposed - have imposed the strains of the lanyard which is attached to a hull as some boats had them, because it will just tear the fittings out of the liferaft, as did occur, or if as the liferafts were not loaded, they're very light, they have got construction features underneath to assist their stability in the seaway, the water pockets, that will cause them to trip up, because - and by trip up I mean they're a drag feature which will cause the aircraft - the liferaft to roll. 50

HILL: Q. Can I just stop you there. What was happening as I understood you explained in conference was that the liferaft is meant to try and remain in a steady position but in fact the yacht was moving down or the yachts were moving down at about five knots, so you had this constant tension on the liferafts being dragged through. 55

A. And five knots is - that's correct and five knots is a

very substantial force indeed to be exerted on the liferaft structure. No constructional requirements exist for liferafts as I understand it in Australia, they certainly do for the ORC but the liferafts are built extremely lightly and are just not constructed to sustain five knots through the water. Most of them are not.

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Q. Sir, we had some evidence about yachts that were underway and they deployed their liferafts over the side and those liferafts broke away. Now, that then is consistent with what you're saying is that they're meant to be stable so eventually they will just part from the moving vessel?

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A. There are a number of issues there, your Worship. I tried to get this constructional detail from individual liferaft manufacturers and was not successful. To compare the construction standards of their rafts with that prescribed in the draft international standard 9650, which was given to me by the Royal Offshore Racing Committee, but I strongly suspect that the construction of say lanyards and this is an example where I couldn't quite understand CYC's findings, in specifics regarding liferafts it says they would like wider or thicker circumference lines on the liferafts but no stronger in breaking strain. I had difficulty understanding that. Perhaps that could be explained. But certainly the construction of liferafts is not intended to sustain being dragged around the ocean at five to six knots, unless I am very wrong and I believe that's why the lanyards failed and because the - it is a cyclic load also with the rolling of the hull as it drifts through the water at five knots, it's a very poor moment, it's not a steady pull, so there would be peaks of loading many hundreds of pounds on that line at various times. Back to the aircraft, we're on short finals, at about 40 yards - sorry, there are four ways - roughly four ways of transferring to and from a yacht. One is from directly overhead, the yacht lowers a strop, you can have a diver in there and the diver goes down, explain what is occurring while the aircraft goes away to take the noise and then the boat comes back and those - clearly that is not a desirable option for reasons I have already explained. The second option is for somebody to - in the boat to jump over the side and that was tried. This is also not a good option because very quickly your search and rescue problem is multiplied by two. That is the person that's fallen in the water rapidly drifts astern and that is recorded in the CYC's report and the vision arcs, the pilot can't see much astern of - out to a side at 90 degrees, 110 degrees aft in a Sea Hawk, that is 10 degrees - sorry, 20 degrees aft of straight out at 3 o'clock and about 20 degrees below the horizontal. So inside 40 yards he can't see the yacht at all, he relies on being told where the yacht is by this man here, the crewman. So the person drifts astern and due to the heat of the efflux coming out of the engines the visibility is distorted astern and because of the obstructions of the fuselage you can't see as the person drifts downwind. So that's the second way. The third way is the highline. The highline transfer as the name suggests is attach a several hundred foot heaving line with a money's

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fist on the end, a weighted object, and you come up as overhead the yacht as you can and lower the heaving line which is attached to the winch wire by a frangible link, it's a weak link which is designed to break at about 200 pounds. Obviously that is to rupture when this gets caught, as it regularly does, around the rigging. This heaving line got caught on Sword of Orion's rudder with the third person that was lifted by the second aircraft on the morning of the 28th and that's designed to break and fall away. Unfortunately or of necessity because these frangible links kept fracturing with Sword of Orion they removed that because they understood - that crew understood that that boat was sinking, therefore they removed that safety feature, because they'd broken two safety links - one safety link, so they realised that they would have to take a quite extraordinary risk and use this heaving line as part of the structure of the aircraft. You could assume that it's then become part of the structure of the aircraft and they put that on the boat, then the crewmen as the record records - states, the crewmen swam along the line and they lowered the strop down, got the strop on and then were hoisted into the aircraft. It took them I think nearly two hours to recover three people. The second aircraft came along and said no, that is too dangerous, can you last till daylight and Sword of Orion said yes we can last till daylight, the aircraft orbited for the remaining I think hour before early daylight and then conducted the rescue of the remaining six on Sword of Orion. The person that did the rescue in the Sea King to Sword of Orion could not see, he actually was hovering and he had no horizontal reference and could not see the boat, he was relying on this person telling him where the aircraft was in relation to the boat. The automatic flight control system, the automatic hover feature so-called, does not actually enable you to hover over an item that is travelling through the water at an erratic rate of five knots now on this heading. It enables you to maintain a stationary position over a point of water or a point of land. So that's that feature. And the risks involved are obviously obstructing the structure of the raft, making the problem much worse because you've now got several people drifting astern, or somehow damaging your winch wire and being unable to do anything. Or in the worst case, such as the transfer where you break the winch wire, it has a habit of breaking and then flicking straight up like a guitar string into the dynamics, wrapping around the inner hub and causing the catastrophic loss of the aircraft and crew. The probability I would assess of a catastrophic outcome on a good day during daylight hours in a highline to a yacht would be a one in ten probability of there being an unsuccessful outcome. An unsuccessful outcome at night would be somewhat more likely, somewhat more probable and I would put it as optimistically as one in five. There was an incipient catastrophe with the transfers that we attempted with B52, which was just going on night when the first Sea King Shark 05 got out there and certainly was in the case with the Sea King which abraded the winch wire on its sponson, that is the wheel, just abraded, notched the fuselage, didn't damage the wire, praise the Lord. But the second Sea Hawk which

came out to lift the remaining six people off the Sword of Orion damaged the wire to the extent that after they had lifted those six people and returned on board, the wire broke in the hands of the maintainer. Now, the ultimate damage was probably done by the winding gear within the winch, but it was certainly abraded on the shock strap, which is just inside of this wheel by the wire leaning forward and abrading itself. So the risks are quite severe. As I said, it's not a condition of our employment but I feel that with an increasing propensity of yachtsmen calling aircraft for ambulance services, that these risks should be quantified and understood and minimised sir, that's my point.

CORONER: Thank you.

HILL: Q. Now, there are certain methods of course where the yacht itself can help itself in regards providing some stability in its position and I think you have a sea anchor there and perhaps if you could demonstrate that?

A. I didn't explain the fourth method of transfer which is using the liferaft and this was used, of using the liferaft. Of course, that's got the downside of the normal boat which doesn't have the sea anchor, is lying beam on and you then have the control problems and you saw it, there's a beautiful video of the liferaft coming bar taut with its line, seeing a rainbow of spray up in the air as it came bar taut. They bring it in, put the person to be transferred in there and it floats away downwind, the helicopter then has a hover reference of the boat, it's now astern and no obstructions. That's the fourth method. What was being alluded to in the question was the - if a method could be used to line the boat up downwind by the use of--

CORONER: Q. A sea anchor?

A. --a sea anchor. Now, sea anchors and drogues are used in an and/or context in the CYC report and even in the ORC, they are seen to be as the same item by many people. I wish to demonstrate that they're not. The sea anchor is as it suggests a parachute, very similar to a parachute in the water and it just locks the boat quite literally to a stationary position in the water. In the case of a helicopter transfer, it would align the boat in a much more favourable position, most boats, not all boats behave the same and you've got to position the parachute in the right way. Then it's now streamed downwind.

HILL: Q. Perhaps if I can just stop you there. If you can go back to the sea anchor itself, that is streamed out from the bow?

A. From the bow.

Q. The buoy on the end, that floats and thus it keeps it at a distance so it doesn't just sink straight down?

A. Correct, it's just a parachute which is a tripping line and with a float on the end which is holding it at an optimum depth in the wave so it is positioned to remain inflated. What can happen in extreme conditions is the

parachute as you're I think implying can eat its way down into the waves until in the worst case it's actually perpendicular under the boat and that exerts the force straight down and causes a great deal of problems. That's what that float is designed to do. I don't wish to pose as a seamanship expert here and I can submit 200 reports of these being used successfully for just that purpose. 5

Q. But certainly from the aviator's point of view that's going to line up the yacht so if the yachtsman know that, it's going to aid in any rescue that's required, is that what you're putting forward? 10

A. Yes it is, I believe I would aid the rescue by in most cases stabilising the boat, the helmsman doesn't have to worry about the direction the boat is pointing and trying to maintain it under the 50 to 70 knots of downwash being made by the - he can let the boat look after itself and also it's lined the boat up into wind, which is parallel with the aircraft, it presents the best aspect for a - if you're still going to attempt a transfer to the cockpit area, and it certainly presents the best aspect and best profile because the boat is now stationary substantially for using - deploying the liferaft. 15 20

Q. You were going to go on from there and-- 25

A. To explain the drogue and then I've finished with the models I think sir. The drogue - one of the points that I could not understand in here, forgive me, I'll go into a little more seamanship because I believe this is a very important device and it's concluded by the coastguard in a report that I can submit that-- 30

Q. That's the US coastguard?

A. The US coastguard, that a properly designed and deployed drogue, because then there are again issues of the length of road, what wave it is buried in, two or three back from the boat, what profile the bridle should be, which is how it's attached to the boat, there are issues there which have to be optimised for each boat. But the US coastguard concludes that in a breaking sea from astern a properly designed and configured drogue can prevent damage to boats in most if not all instances. The drogue is quite a separate device from a sea anchor. A drogue is designed to slow the boat down and the parachute anchor is designed to hold it stopped. 35 40 45

Q. You say that the CYC reports seem to use these terms, what, interchangeably, do they, or what?

A. Use the terms interchangeably, I am sure they know the difference but you could be forgiven for saying they were the same device to be used at either end of the boat for remediating problems in a rough sea. 50

Q. The other thing, the other point that you brought out was that using the fourth method, that is with the liferaft for a rescue, the situation is that if you're only taking one person off because he had a head injury, with the liferaft out there, it will probably part from the yacht within a certain amount of time, thus leaving the yacht 55

short of one of its survival items.

A. I would submit that that's absolutely correct. If the boat is drifting along and its erratic way at five knots and there is also the unknown dimension already discussed that we don't know what the design parameters of a particular liferaft are anyway and it could have a very tenuous attachment point in any event, which would cause it to rupture under the slightest load. 5

Q. So do I take it what you're putting forward is that - and this is back to item (a), the formal and certified training in standardised rescues should be conducted for all competitors. I'll leave out the all competitors at this stage. What you need aboard the yachts is people who understand what it is that's required by the rescue helicopters so that they in turn can play their part and aid in their own rescue or those of their companions. 10 15

A. I'd like to - yes, but I'd like to take it also further back from that. An attitude to safety which looks at the risk exposed by the environment in which you're intending to operate, the mission which you're intending to undertake, that is to go to Hobart, the equipment that you have and the people that you're using are going to be better equipped because they understand the problem. I've talked of a number of specifics relating to helicopters but I also went on in the subsequent subparagraph to deal with more general things, so it's a much wider scope than-- 20 25

Q. I want to take you there. The next one was (b) and that was the dress standards for competitors. You say these illustrate that although not covered in the review committee's report, hypothermia was likely to have been a contributing factor in a number of the fatalities experienced during the 1998 race. What is it that you wanted to bring out in that? 30 35

A. Hypothermia was not mentioned in the CYC's report from my reading of it and the air temperature taken from Young Endeavour's log about 2000 on 27 December was 15 degrees, the wind speed we know was at least 30 knots, the sea temperature was 22 off Merimbula Eden where they were possibly less, 19, 20. The survival time from the graphs that we operate with and are freely available in search and rescue publications, the survival time on a calm day for the average I think man of 10 per cent fat is about 11 and a half hours by a very optimistic graph. One of the graphs we use for aircrew planning is five and a half hours. That is on a calm day. If you introduce - that is for a sea temperature of the 19 to 22 degrees order, I can submit these graphs, in fact they're attached to this letter. You add in the wind and you reduce that down. The actual sea - the actual temperature, the apparent temperature that they would be experiencing in terms of wind chill on a 15 degree day would be five degrees. Do you wish me to go on and explore the impact of that? 40 45 50

Q. Yes. Because you see there appears to be an assumption and certainly in a letter written by Mr Bush back to you later on that as far as the weather was concerned he had 55

this to say to you. Hypothermia, you're right, this was not considered in the 1999 race review. Interestingly, crews even those that were in extreme peril having been rolled reported water temperatures being quite warm. The satellite image of the current supports this, notwithstanding had the storm hit the fleet another 100 miles south, the impact of water temperature could have been vastly different. Our seminar on heavy weather includes a lengthy session on what is appropriate clothing and preparation to meet difficult weather conditions. We also supply all seminar attendees and all competing yachts with a copy of the AMSA book, Survival at Sea. There is a section on hypothermia. As a result of your letter, this section will be specifically referred to at the race briefing on 24 December. One could be forgiven by drawing from that that because the water was warm, you don't really have to take into account hypothermia but what you seem to be saying is you do because the graphs show that you'll only stand about 11 hours on the best of days, is that right?

A. That's correct. I acknowledge what Mr Bush has said there. I think that's explained by the chill factor that I've just recounted. If you're actually perceiving that the air temperature in which you're exposed is - you're feeling it as five degrees, when you jump into 22 degrees of water, it's going to feel warmer. But that's just an illusion and you're going to die very shortly. And indeed if you're unprotected, if I can refer to your Worship the blue book which is the AYF rule book, in their appendix 4 addendum alpha 1, survival in cold water and I'll quote directly from it. Under 75 degrees, which is 25 degrees C, which is three to four degrees warmer than the water that was there on that day, if boat is in trouble, get into survival suits. I was - and I still wonder why this is not seen as relevant to what we're looking at, and the resource of the dimension of fatigue. Because many of those people were fatigued, you heard a witness this morning saying he was fatigued and possibly incoherent, if I remember what he was saying. That man had been up for slightly in excess of a day by my reckoning. I think that applied to many of the crews, particularly the more capable members of them, and the impact, the influence of fatigue on those people, both in decision making, survival actions in the event of the boat being capsized, or when a helicopter was overhead, would be degraded and they would be severely impacted. Unfortunately a symptom of that which they were suffering from in terms of fatigue is a lack of understanding that they're suffering from it. That just compounds the problem of the hypothermia. They were probably suffering from incipient hypothermia before they even went into the water. Now, I underline probably, it's just because they were in those sorts of temperatures, in violent conditions, undergoing strong physical activity and then in the water. And then in the case of the Winston Churchill, traumatised, repeatedly flung disoriented into the water, upright, into the water, and then at some time early in the morning, you know, in accordance with the graph, probably about the time when they would be in most peril, without an immersion suit on, probably the statistics had their way.

Q. I think, just stopping on fatigue, there is a South Australian study that has acquainted fatigue to actually a position as if you were drunk or had an alcohol blood level at a certain rate and I think it's 18 hours of constant work as it were, after that you have equivalent to a blood alcohol level of .05, is that--

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A. Yes, I think that's the rough guide I recounted before, it was 24 hours but it is something like that, so that there was a severe - you know, an actual incredible parallel between a state of intoxication and fatigue now that is fairly widely used.

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Q. If we've finished with paragraph (b), I want to turn to paragraph (c). Survival equipment should be optimised to provide an acceptable probability of survival overnight, as night rescue by a helicopter is I propose a very high risk activity indeed. You've told us what the difficulties are at night time, so what you're saying, I take it, is that the survival gear you've got to look at is that you can very well spend the whole of the night in the water, because you just may not be able to be got out?

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A. That's correct and please note that here I was writing to the CYC wishing to explore this option, I've never seen it actually bluntly expressed in any regulations to say yachtsmen in peril are going to have to wait till the morning but I wanted to see if that concept was feasible in terms of an equation which would take into account training, perhaps physical characteristics. You know, medical dispositions, proclivity towards a coronary event or other sicknesses. And certainly equipment, immersion suits and SOLAS liferafts, so that you then are equipped and prudently so to enter the water and remain through the dark hours until morning light makes your rescue much of a less risky proposition. But also not to preclude night rescues, I think as we've discussed night rescues should also be discussed because of this increasing expectation of rescue of sick people and I observed the statistic in the CYC report of 53 per cent of those surveyed - sorry, 53 of 948 if I've got the figures correct and I may not have, were injured and a significant proportion of those were head injuries. So I think this is a very large issue which perhaps has been not given the consideration that we asked for the 1998 race, this problem will continue on, people will continue to get injured and will increasingly have to be rescued and I note it is a subject of debate right now within the ORC.

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Q. You then go on to say in summary I propose that (a) the CYC review committee in its report has not assessed and sought to manage the hazards and risks of the Sydney to Hobart Yacht Race to the maximum extent possible and to the level established by general best practice in the broader community. Could you explain what you mean by that?

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A. By the term assessment of risks I sought to introduce them to the Concair(?) approach and in a later letter I think if not this one, Australian Standard 4360, which is the increasingly accepted standard for assessing risks in all its contexts and by context of risk I mean the sponsor

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of a function and I'm not referring to the major sponsor for the 1998 Sydney to Hobart by the way, sponsoring activities risks and hazards will be entirely different from someone who wishes to perhaps preserve himself or preserve his equipment or worry about some other issue. The Australian Standard enables you to assess risks and then put in place a credible structure to manage them and reduce them if that is your desire and then again to assess the managed risk, express those in a credible term to see if they're acceptable or not to whoever has to accept them. So that is best practice, 4360, and that was not exposed at this stage.

Q. So you felt that the review committee's report just didn't - had not assessed that?

A. Had not assessed the end state of what was an acceptable risk and then measured the various factors influencing that risk to come to an equation. So we're arguing to a large extent about a piece of string and different people's perceptions. And the second piece of that, if I can go on--

Q. Certainly.

A. General best practice is the community, I find and it's my opinion only that the AYF's rules as interpreted by the CYC seem in many cases to be astern of, behind, of lesser standard than those currently being followed - sorry, followed at that time and currently by say the Royal Offshore Racing Committee, on which this book purports to be based, at least in the special regulations, the ORC is stated in there as being - contributing to the safety instructions. But if you go to the ORC site and find that in particular their instructions regarding liferafts and for personal flotation devices for two examples are somewhat different and more demanding. And indeed as is the case for training.

Q. Alright, (e), the further proposal was (b), the risks borne by rescue helicopters and the yacht persons they were rescuing were at times very great indeed and probably extreme during night rescues. By better management and mitigation of the hazards involved, less risk would be presented and favourable outcomes made more likely. So what are you saying there?

A. If you understand what your outcome is and then craft and manage all the factors influencing that outcome, understand the hazards that you can by putting in place controls and therefore minimise your exposure to those hazards but nevertheless understand the risks that you undertake, you are going to at least academically reduce the overall risk and have an increased likelihood of successfully carrying out your mission, which in this case is to go to Hobart and return, I should say.

Q. And then there was (c), you said an acceptable in terms of risk management risk to Sydney to Hobart Yacht Race competitors and through them the rescue services is unlikely to be achieved without formal and rigorous assurance of the equipment, the training and the competence standards of all competitors. Do I take it what you're putting forward is

that (a) the equipment should be first class, the best you can get as it were, the training needs to be of a standard that's acceptable and the competence standards of all competitors. Well, what are you saying by that?

A. No, I'm actually not saying that sir, I'm saying understand what the risks are. I mean if you can't afford a SOLAS liferaft, understand the liabilities that that presents and then craft another factor to take care of that or ignore it or accept it as an ongoing risk. So I'm not saying that everyone should have the best equipment, that's a desirable end state but I realise that that is not practicable. But if you can't put in place in this case the best liferaft, you put walk-arounds in place, which manage the equation, if your outcome desired is that people should be rescued and live in the event of the boat sinking or them falling overboard, put other controls in place.

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Q. And the training?

A. The training, the same. I think formal training does not mean that there is a safety Nazi going around at all but I think there are ways - I'm not in any way imposing or seeking or suggesting a regulatory - a rigorous regulatory regime but define the standards and explain what those standards exist - why they exist and the weaknesses that would be presented, the risks presented by not complying with those standards and people will understand them. People don't understand drogues or immersion, they still don't and I'm sure that that is why they don't wear immersion suits and don't carry drogues.

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Q. And then you go on and competence standards of all competitors. What do you mean by that?

A. As I was saying before, if you only assure the competence of 30 per cent of a crew, that means you're accepting deficient performance of two-thirds of your crew, or assuming that the one-third of the crew is going to have the time and the skill to train your remaining two-thirds in extremis.

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Q. You go on to say in the paragraph 8 I emphasise that this should not be taken as criticism of the CYC or the competitors of the Sydney to Hobart Yacht Race. I am seeking to manage the risk factors applying to Naval helicopter crews by attempting to influence the hazards and risks of the Sydney to Hobart Yacht Race. I am keen to continue that process, if I can be of any assistance in this pursuit. Primarily you have the responsibility of your men under your command and the best way you see as helping them, conserving the men under your command, is that if you can have the yachts' crews as it were trained to a specific standard to understand what the risks are?

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A. That is correct but I also have a second concern which is not too far behind the first, I mean out there is where the Navy lives and works and the Sydney to Hobart Yacht Race is an icon and if I can do anything to preserve it and preserve the participants in it, I'll do that. It's outside my professional ambit but I don't think too far out. It'd certainly read across because if I can reduce the overall

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risk it's reducing the risk to my people if they get called out.

Q. In answer to your letter, on 28 July 1999 the Commodore of the CYCA, Mr Hugo Van Kretchmar, he wrote to you, welcoming your comments. Do you have a copy of that with you? 5

A. Yes, I do sir.

Q. He welcomed your comments and again he said that the CYCA and I'll quote here, the CYCA would welcome the opportunity to meet with you or your designated representatives, in order to more fully explore your proposals and suggestions as well as to give us the opportunity to put some of our recommendations into context. He pointed out that the race review committee had now been disbanded but the sailing committee would be the people to contact and that was chaired by Vice Commodore Hans Sommer and that they would be in contact with you. Is that correct? 10 15 20

A. That's correct.

Q. You wrote back on 20 August 1999 and you noted the condition of the - you said I note that a condition of our 1999 Sydney to Hobart Race is that 30 per cent of the crew must have attended a CYC safety seminar or AYF yacht safety survival course. Naval Aviation has been represented at a number of the CYC seminars during which a brief on RAN search and rescue techniques was provided. Please note that the techniques briefed by the Royal Australian Naval personnel covered RAN procedures. These may not accord with standard practice within civil industry or those endorsed by AUSAR. There are differences between the techniques used, is that correct? 25 30

A. Yes, I can't refer to any specific procedures that are different from our own but merely because we have not had a standardisation meeting to go through procedure by procedure I would never assume that they're the same as any other operator. I note that I didn't say best practice, I said standard practice, I wished to advise AUSAR and I did subsequently on the same day in the following letter to say we were doing this activity of training for the CYC, this is not really our job but there doesn't appear to be much of an option, please take over if you want to. 35 40 45

Q. The CYC wrote back to you, unfortunately it's undated, from the sailing manager, Mr Phil Thompson, but it appears to be some time in September of 1999 that you actually received that?

A. Mine is dated I think 14 September, I think. 50

Q. Is that a received date or--

A. That's a received date sir, yes.

Q. It enclosed a crisis management plan and informed you that there was a meeting on October 20, that they would be holding that meeting for rescue authorities and asking you or your representative to attend and to discuss the crisis 55

management plan. Is that how you understood that?
(No verbal reply)

Q. On 6 October 1999 you replied to that, thanking them, and you pointed out that unfortunately you were otherwise engaged on that particular date but you would be sending along Lieutenant Commander Terry Garside in your place. After that, you write again to the CYC on 15 November 1999 and in that document you say in the second line we have studied the draft crisis plan and noted that the risk assessment process followed appears to be different from that prescribed by Australian Standard and New Zealand Standard on risk management. It is not possible to determine the risks presented by the various hazards of the race, nor the measures that might therefore be applied to mitigate the risk they represent. The crisis plan clearly is predominantly about the management of an event after it has occurred. So I take it what you are saying there is the crisis management plan is what to do after something has arisen, rather than a preventative measure, is that what you see fundamentally wrong with that?
A. Correct.

Q. And you also note that the Navy is listed as a stakeholder in the crisis management plan and you say as I have previously advised, the Naval Aviation Force is not a stakeholder and will become involved in associated activity only after being tasked through defence headquarters by AMSA AUSAR. There would seem to be a fundamental misconception as to what the Naval role was by the CYC?

CORONER: Q. And Naval responsibility.
A. Indeed, your Worship, yes, I was just going to say that. There's also a commercial dimension to this as well. The Navy is at pains or the ADF is at pains not to imperil someone's livelihood and there are increasingly more and more capable civil helicopter operators around who might see this form of activity as doing just that, so I wanted to make that point clear.

HILL: Q. You say then may I ask about a number of other safety related issues which in my view should be included in the CYC's safety training plans. You go on to say that the Sydney to Hobart Yacht Race risk environment, here I mean sea state, weather against probability of occurrence. Now what did you mean by that?

A. With those bullet points that you will continue to cover, I wished to give some clues about the way I was thinking, that is to define the environment and the factors that make up the risk profile for this event. The CYC report that was released subsequent to the 1998 race or the investigation of it gave some very good clues about previous race histories in terms of boats retiring, boats being damaged, capsized, collisions, loss, men overboard, fatalities, coronaries, head injuries and so on. And certainly the discussion of the meteorology subsequent to the race gives people strong clues about the probability of sea states and winds and these are two very big factors

influencing the environment in which people are going to - and the race. So then we start to have a muzzy outline of the risk presented before we get to personal factors. So I thought that the risk entity, using those, I was seeking to give them clues on things that might be usefully used to define this entity.

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Q. So what you were saying is the weather, the sea temperature and the clothing, the probability of damage or loss of yachts based on history, so that we know what's been happening prior and therefore we can work out what the probabilities are?

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A. Yes.

Q. The probabilities of injury, fatality based on past history, the CYC's policy regarding the activation of helicopter or other rescue services, the estimated time of helicopter or other rescue services will arrive on the scene day and night et cetera and what you proposed you sum up there, you said I propose that the promulgation of this data would empower skippers and crews to better manage their safety and exposure to personal risks. In other words, if it was at night time they would think perhaps a little bit more if they were going to do something that may be a little bit risky, because they know that if they go in the water, they may spend quite a long time in the water and if they know that, then they evaluate the risk properly.

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A. Correct. We'll probably get onto specific issues, yes, correct.

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Q. You then went on to the safety training and you again talk about only requires 30 per cent and you point out that this seems quite down certainly on occupational health and safety legislation. What is it that you're trying to bring to their attention there?

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A. It's taking a - and I didn't intend to sound this way a legalistic approach to it but the - what is normally expected of a skipper, a commanding officer of an aeroplane or a vessel, responsibility for the welfare of his crew would - which would militate towards him or her understanding the picture that I was trying to paint here, including particularly safety in the environment in which they're entering and there are clear indications that they did not during the 1998 race and indeed there is no indication of why they should. I'm saying that the imperatives regarding maritime safety appear to be promulgated in that draft standard by the National Marine Safety Committee and I've shown you that. Although it's not a binding regulation, it is a guideline for the recreational end of maritime activity in small vessels, fishing, you know, which gives skippers a guide on what they should train their crews. Again, it advises them that they should train all their crew in this, just following the principles of OH and S as if they were running an enterprise ashore.

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Q. You then go on with specific safety issues and you've got EIPRBs and strobes. Perhaps if - and you point out that these should be attached to each crew member, if not at all times certainly at night and in bad weather, and you talk about the experience with Green Hornet during the Melbourne to Osaka 1999 case is relevant. Perhaps if you could show us what the-- 5

A. I'll briefly cover the first imperative as I understand it given by the AYF regarding these equipments, and I may be at - may be in error here but during the 1999 race it was promulgated that each person should be promulgated a strobe - sorry, should be given a strobe, provided with a strobe, but not that they needed to carry this on their person, and certainly personal EIPRBs did not have to be carried on each crew person's person while he or she was on deck. The Green Hornet, the example I used I thought was relevant because on 23 April last year, 1999, two very experienced sailors in the Melbourne to Osaka just off Sydney here, 120 miles, I think the sea state was six, the weather was rough. The number two had been badly bruised somehow so he was injured. The skipper decided to withdraw from the race. They laid ahull for some hours and then got hit by a very large wave which took the deckhouse off the yacht, the Green Hornet, and they were removed. They had the option of grabbing a so-called grab bag which is the items that you grab as you're leaving the vessel which contain EIPRBs, immersion suits and spare drogues and those sorts of things that would be of survival use to you in your dinghy. The boat as I understand it was destroyed instantly. They only had time to grab the dinghy which they had prepared to be in a handy position. And the Argos beacon, which is not a distress beacon, it's a tracking beacon off the back of the cockpit as I understand it, got into the liferaft at 15.30 I think on 23 April. The Argos people they made the distress channel, there's a number of channels on these Argos beacons and one of the channels indicates that there is a distress situation but it is not deemed an international distress frequency so the - you know, the actions arising from the detection of such a signal are not as binding. But Mr Argos rang the race organisers and said this boat is following an erratic course. Anyway they were subsequently rescued by a patrol boat the following morning on their last legs, they were in a bad way, and according to the Sandringham Yacht Club from whence they came they were quoted as saying they couldn't have lasted much longer. I have not spoken to the two members concerned. But the lesson that I was trying to get to was that you do not always have the opportunity to grab EIPRBs and strobes as the boat is sunk from beneath you. And I have the items here just to indicate how small and portable they are. Your Worship, this is a 406 beacon now, this is the size they've sort of come to. That is probably borderline as being a portable item that you could wear on your body the whole time. These are the market leaders as I understand, the most commonly purchased EIPRBs on the Australian market. This is 243, 121.5 megahertz. That is quite easily manned, a personal portable, and another example of that is this item here, so that can be carried on your body without any problem whatsoever. And if 55

I could just say on the way past here too with the 121 and 243 beacons, one of the larger beacons produced by a local manufacturer does have a vessel identity function with the 121.5 and 243 frequency that has been specifically precluded on the Australian market. It is often assumed that only the 406 beacon identifies the vessel. The capability is by no means as comprehensive or capable as is the case with the 406, but it does provide a basic identification function which has been rendered illegal in Australia as I understand it. The strobe, a basic piece of safety equipment. If you can't be seen we can't come and get you, and just that piece of device is easily man portable. There are a number of items of these on the market. A number of examples, this is a top of the range one that we use in our aircraft. It can be seen for - well according to the specs eight kilometres and usually on a clear night, which the 27th was not, for much longer than that. This lasts for over eight hours so through the night. And the last one is a portable flare and you can quite easily carry this on your - before you lose manual dexterity which would be very much sooner before you perish from hypothermia. You screw that on and release it - this is a dummy - release it into the air. The point that I'm trying to get here is these items are man portable and they are--

Q. In other words you could have them in your pocket?

A. You could carry them around in pockets. And the last item is the portable VHF. This is waterproof, shockproof and it transmits on the VHF distress frequency and costs in the region of \$200. And this is the first item that we expend the first evolution during the 1998, lowering one of these down, and the P3 dropped one to one of the vessels, I forget which, but this is it, produced in New Zealand.

Q. So that's the portable--

A. Portable VHF.

Q. VHF.

A. On distress. This is a very reliable piece of equipment.

Q. And how much did you say that would cost?

CORONER: Two hundred dollars.

A. In the region of \$200. So as I said, the point is if perhaps you can't afford a 406 beacon and your liferaft is not so good, if you make sure that all your crew when they're operating on the deck have at least one of these and one of these, you're able to put into your risk equation a reasonable certainty that they will be located. And can I draw your attention to the statistics that all the boats were located by those EIPRBs, those that reported inside of seven hours, and they'll certainly be seen when the weather clears.

Q. The next bullet point was that of drogues. I think we've dealt with that, that people don't seem to understand

their use, certainly not from the point of view of helicopter rescue.

A. Could I just correct you there, sir. There para-anchor, I don't see that the drogue would have too much direct application to the helicopter rescue except to reduce the risk of them requiring to have one.

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Q. No, it's the next bullet point in your--

A. Yes, that was my mistake. I should have said para-anchor or sea anchor.

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Q. The next point is equipment safety standards. What was it that you were trying to bring to light there, and I notice in buoyancy tubes, in litres and one is in cubic centimetres.

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A. That is my error. The standard was faxed to me by the ORC. I thought it said cubic centimetres. It said cubic decimetres, which is the same thing as litres. But nevertheless the point is that I made before, there are significant differences between what the ORC stipulates, particularly in the area of safety, and what is promulgated by the AYF and often I can't see the reason for that. And I raised the example of life rafts. There is considerable difference between what they specify for liferafts now than that which is contained in the AYF's book. There are certainly significant guidance on the construction and integrity of liferafts, and the Australian Standards for personal flotation devices, and I have them here, but they appear - even though they're stipulated in the AYF's blue book, they appear to apply to flotation devices that are only going to be used in sheltered waters, and I don't understand the use of those standards with application to coastal or seagoing yachts, and I'm happy to go into examples if you wish.

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Q. No, I will discuss that with you though afterwards because that might be pertinent to - other evidence has been given you see about people who want to put forward submissions about liferafts and hopefully we can get something developed between a group, so I will speak to you about that. It's just that I'm noting the time and the court. Anyway, the next one was hypothermia and I think we've covered that, but you raise that again because you still foresaw a problem with that?

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A. I did. Hypothermia's a hidden killer, just like fatigue on the roads and just as - those campaigns are emphasising that it is a hidden, a hidden - you know, something that creeps up on you. Hypothermia is the issue usually which causes bad thinking, bad decision making.

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Q. And then risk to helicopters. Again you were trying to re-emphasise what you've been saying to us here and it didn't seem to be getting through. Is that what you're putting?

A. Correct.

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Q. And you point out then that "in conclusion, many of the recommendations above may have already been put in place by

the CYC or there may be reasons not known to me why the CYC, AYF have established the existing relationship - regulation safety framework. In either case would be most interested to know the outcome of considerations so that I may further my education and better understand the hazards and risks presented to race participants and Navy air crew should they again become involved, and would be pleased to discuss any of the issues raised in this and previous letters and would welcome the opportunity to visit the CYC. A very important objective for me is to assist making the Sydney to Hobart yacht race as safe and successful as this great Australian event can reasonably be." Now in answer to that you've received a letter from Mr Peter Bush from the CYC on the 9 December 1999, pointing out - thanking you for the detailed response following the crisis plan and meeting in October. He points out that "although we have not fully responded to your questions here, often because we don't necessarily have the answer or we are still framing policy. We have passed your letter to our Sailing Committee and also to the Ocean Racing Club, that's the ORC, the international body ultimately responsible for the formulating of ocean racing safety policy." First of all I want to stop you there. Have you received any response from the Sailing Committee of the CYC?

A. No, I have not. They may have sent it but I've certainly seen no response. I had a very - a very nice discussion with Mr Sommers before the 199 race, but that's the only contact I've had with the - personally.

Q. Have you received anything from the Ocean Racing Club?

A. I've - yes, I have. From their website I've gained their--

Q. Have they written to you in response to your letter?

A. No, they have not.

Q. The first item he deals with is the Sydney Hobart yacht race risk environment and he says that "your suggestions here are extremely valid. We intend to include them in our planning and briefing. Note that the CYC has no power, nor does it want any, to active helicopter or other SAR interventions, AMSA has the authority," et cetera. Then goes on, under safety training it says "the 30 per cent policy is a minimum, that's the training of the crews. The response to the programme has been excellent. The normal crew population for a Sydney yacht race would be about 1,100 based on 100 yachts. To date over 2,000 have participated in the scheme." Do you know what the scheme is?

A. It's the RAN. Up until several weeks ago when I was last looking at the CYC site or the Sydney to Hobart site, it's still promulgated as the RAN safety training seminar or some such title, and he is referring there to that.

Q. What exactly does it do, any idea?

A. It's a continuation of that which was started in - prior to the 1999, last year's race, where three of our people that we mentioned before went and conducted presentations, presentations only, I don't think there's very much

practical associated with it, of helicopter rescue techniques. And I don't think that's Navy's task to do and I have advised my relief who's taking over from me as ..(not transcribable).. Navair that perhaps he ought to consider again discussing with CYC how that training should be done. 5

Q. From your opinion based on the training of people, which undoubtedly you have done over a long time, the practical as opposed to the simple seminar where they sit down, which is the preferable? 10

A. Well again it's a well proven military approach I suppose, but if you actually do the function which you are talking to people about, to actually fire flares, you know, the manual operation of firing flares, those that had looked at flares were unable to - and it's recorded - unable to, they were unfamiliar. There are examples of them pushing the trigger the wrong way and not being able to fire the flare. That's an example. Certainly some people could not put on helicopter strops, did not know what to do when a helicopter was there. So following through the evolution that you're talking to them about can't be repeated enough in my view to make that an automatic reflex when conditions are extreme, because they can no longer think as well as they can or could when they were attending the seminar. 15 20 25

Q. In answer to the specific safety issues, EIPRBs and strobes, he writes "noted, we will look at incorporating the appropriate protocols in safety procedures. Drogues, equipment carried on racing yachts can easily be substituted for drogues. Spinnakers, sails, anchors and wharfs(?) were successfully used during the 1998 Sydney to Hobart race. The use of drogues and substitutes are covered in the heavy weather seminar. 30

A. I would - I would merely contend that that's not an accurate statement, and to support my contention I would present expert opinion such as that provided by the US Coastguard and manufacturers of parachute sea anchors. 35

Q. I think you have a sea anchor or a drogue there do you not? 40

A. Just as example of one manufacturer's drogue, that's it. I think it costs in the region of I think about \$400. It is a fabric - what they call a textile drogue. The aim of bringing it along was to show that it doesn't take up much space, it would be suitable for about a 36-foot, 40-foot yacht. Very easily deployed, scientifically designed, and you can see that there is a certain amount of thought has gone into the construction of it, and the days of just throwing a couple of tyres and your second mate over the side to slow the thing down a bit have long gone. Now we have a scientific device which is tuned the length of your hull, the windage that the boat has, the area of your rudder and other leading particulars like that. The days of using a sail to manufacture a drogue or a sea anchor may be an extremist and appropriate measure, but if you can afford to throw away \$5,000 of foresail to manufacture during a Force 9, 10 after a rollover, go for it, but I think scientifically-- 45 50 55

Q. Well it would be cheaper and more expedient wouldn't it?
A. Would be to get the purpose designed device.

Q. The next bullet point that Mr Bush writes of is
equipment safety standard. "The AYF as the governing body
chose to adopt Australian standards for equipment. This by
and large explains the differences between the AYC and the
RORC." What did you understand by that?
A. I don't understand the answer.

Q. Hypothermia, you are right. This was not considered in
the 1999 race review. Interestingly crews, and I think I've
gone into this, they talked about the sea temperature and
you've pointed out that that's just fallacious, you just
can't do that. And the last bullet point was risks to
helicopters, "you may know that the auto-hover failed on one
chopper in the midst of a rescue in 1998. As a general
statement I believe that the yachting community, certainly
those that participated last year, are well aware of the
risks to helicopters and have a healthy respect and
admiration for the pilots and crews. This is discussed at
the helicopter rescue seminar." Have you seen any evidence
to substantiate that claim?

A. I appreciate what he says there but I've perhaps
expressed myself incorrectly. I was never after respect or
admiration for my crews, I was after, you know,
understanding of the risks exposed to the helicopters and in
particular Naval helicopters. And to answer your last
question, I haven't seen any evidence to support a
contention that there is a wider appreciation than there
used to be about that.

Q. Do you know anything about the helicopter rescue
seminar?

A. The helicopter rescue seminars are given by my people -
were given by Naval air crew, I should say, and they are
continuing, but those people that give them are highly
dedicated yachtsmen in their own right and they're also
Naval air crew, so they came forward with an offer to say
that they were quite happy to give those presentations,
those seminars to the CYC and the Hobart yacht club, and I
gave the approval to do that before the 1999. But they just
were discontinued because no proper structured course had
been put in place. I cannot vouch for the - they are
qualified to give the training, the training probably covers
Naval procedures, but Naval procedures covers a - two parts.
One, the people in the aeroplane plus the people on the
boat, and there is currency requirements for both, those in
the air and, you know, you deal with the whole system, not
just this system up here or that system down there. So the
Naval training may just not be appropriate. I have not
attended it and I can't vouch for its adequacy.

Q. I've gone through that documentation. Is there anything
else that I have missed that I should bring to the - that
you wish to bring to the attention of the Coroner?

A. I believe sir you wish me to specifically cover the
damage to aircraft and injury to people?

Q. Yes, that's right. We've talked about risk and we've gone through it as far as the rescue personnel are concerned, and in fact I think there was damage to some Naval aircraft and there were actually physical injuries to some of the crew. Is that correct? 5

A. Yes, there were - dealing with the more minor first. There were two cases of severe sickness where two crew members in different helicopters were rendered incapable due to airsickness on the night of the 27th, morning of the 28th. The rescue to the number 2 liferaft, of the two people in the - two survivors of Winston Churchill in the number 2 liferaft on the 29th I guess-- 10

Q. Yes.

A. --resulted in a - and I've tagged the injury here, your Worship. Suffered a complex cleavage flap tear of the posterior third of the medial meniscus. I think that's something to do with the ligament in his knee and he's suffering some slight permanent damage. It was during the double lift that he had to do with the number 1 survivor out of that raft. Those were the injuries. The damages I've covered, the winch wire specifically, there was the damage to the Sea King that did the first, number 1 aircraft, the Sword of Orion abraded the side of the aircraft with the winch wire. The number 2 aircraft, the Sword of Orion on the morning of the 28th did considerable damage to the winch wire which subsequently parted and when they got back on deck and ran it out under the load of a human, and several weak links broke but weak links are designed to be broken. The point is that that does not actually represent the risk. That - the symptoms that you know you're getting close to the edge, and it just so happened that the finger of God decided that the catastrophic event would not occur. But it could be - could have, quite feasible for that to progress to a parted winch wire and somebody falling through, falling off the wire and severely damaging themselves and the boat or the aeroplane, so on. It didn't happen, but - and every winch operation that we did there was some event that occurred, and I've seen evidence that that was also the situation with other helicopters out there as well. 15 20 25 30 35 40

Q. So they were very real risks?

A. I think they were symptoms of hazards which then flowed through to risks, hazard being the danger, risk being the hazard times the exposure, and that's an indication that you were exposed to hazard, yes, and you ought to be thinking about what you're doing. 45

Q. Is there anything else that I may have missed?

A. No sir, I think that's it. 50

HILL: Thank you very much.

SANTAMARIA: Q. Captain George, I wanted to ask you a couple of questions on behalf of the Bureau of Meteorology if I may. In reading your letter to the Commodore dated 12 July 1999 and in listening to your evidence, I gather that your present responsibilities are primarily in relation to 55

the performance of Navy aircraft?

A. They were. I've handed over to my relief now. At that time they were, at the time I wrote this letter, yes.

Q. I wonder whether I could ask you to tell his Worship more generally about your own career and experience in the Navy, in particular in relation to seagoing operations as well? 5

A. Yes, certainly sir. I joined the Royal New Zealand Navy in 1966 as a seaman specialist. I got a watchkeeping ticket in 1970 I think, a full watchkeeping ticket, and then commenced pilot training, got a brevvy(?) a couple of years later. After 12 years in the New Zealand Navy transferred and joined the Royal Australian Navy in 1978, so I've been in the Navy some 30 something years. My - I've spent about 10 years at sea full time on seagoing. Most of my maritime aviation experience has been done in a maritime environment, both this Navy, the New Zealand Navy and the Royal Navy with which I served a little over two years on exchange. My employment in the Royal Australian Navy has been in the area mainly in aviation standards and bach(?) standards and performance and safety, and I've had three commands of squadrons and shore establishments. 10 15 20

Q. With particular experience in risk management? 25

A. Recently that is the case, yes, although I have to emphasise I'm self-taught. I have not attended or got any formal qualifications in risk management, I've just taken a great interest in it, because I see it as a very useful tool for enabling you to do things more effectively. 30

Q. In your experience and career in the Navy, you are more than familiar with the different types of meteorological warnings that can be issued by the bureau?

A. Yeah. 35

Q. I wanted to ask you about the significance of both gale warnings and storm warnings at sea but also in the air as an aviator. Before doing that, could you tell his Worship, and I think Mr Hill raised this with you a moment ago, you would have substantial experience in teaching naval officers and seamen in how to deal with different sorts of weather conditions at sea, it goes without saying? 40

A. Yes. 45

Q. Including severe weather conditions?

A. Yes.

Q. Evidence has been given to his Worship earlier on that the issue of a storm warning is an unusual event in forecasting terms. Would that accord with your experience? 50

A. Depending on part of the world you happen to be operating in, yes, but generally it's infrequent, generally, yes. 55

Q. And in the waters off the southeast coast of Australia?

A. It's known to be a rough part of the world and that can be proven by just statistical information that your office

puts out, but still storm warnings are still infrequent.

Q. How does the Navy teach its officers and seamen to deal with gale warnings and storm warnings?

A. Well dealing with aviation first, the young man who was the tactical co-ordinator in Shark 905 put it most eloquently when he said the weather was that which we are trained to avoid, and that was it. They were briefed before they got airborne with conditions and it's a routine requirement, absolutely normal pre-requisite before flying to understand the weather in the environment to which you're proceeding. And just because there's a gale or a storm out there doesn't mean you don't go generally but you weigh up that which you're going with and what you hope to achieve against what's going to be there as you go through that area to see if it's all justified, and in this case it was because it was a distress situation and it's a sacred duty to respond to that. But obviously if you're flying into it you need more fuel and it's going to be very turbulent but - and usually there's icing associated with it if you're operating moderate to high level, which is a real crippler for an aircraft, and if there's terrain which there usually is, well then it starts to constrain the sortie. But it is possible to fly in storms but you have to experience the turbulence and you also could get problems with maintaining visual clearance of terrain and the icing conditions.

Q. You wouldn't fly into a storm unless you had to?

A. Certainly not.

Q. And in terms of a Navy ship?

A. A Navy ship with a storm warning, it's an infrequent event usually. Some parts of world like off Cape Horn it is fairly more frequent. But a storm even in a large vessel like a frigate is - there's a call for you to assure your survival by taking specific actions regarding where you're heading, the aspect to the weather, how long you're going to remain in the weather, because you just don't have the option of carrying on at the speed that you are generally. You must take very specific actions to assure your survival, you're talking survival in storms. And most ships just cannot sustain storms, no matter how big they are, without suffering some form of structural damage, and by that - in a yacht, you know, the smallest objects will be produced into legal missiles. On larger vessels the same thing occurs, you know, things that aren't secured will fly through the air, helicopters will smash up against bulkheads, things have to be chained down.

Q. So from that is it fair to say that even for a vessel the size of a Navy frigate, you wouldn't be inclined to sail into a sea the subject of a storm warning unless you had to?

A. Not unless there was a very powerful imperative for you to do so. You would not do it just as a matter of choice, but I'm not in any way diminishing - if I can understand the thrust of your direction, the compulsion provided by getting to Hobart, I'm not going to diminish that in any way, but for me, a Navy person, I certainly would not sail nor

understand anybody else sailing through a storm to get to Hobart.

WEBER: Q. You indicated during your evidence that to your understanding there are different helicopter rescue techniques employed by the Navy on the other hand and other rescue authorities on the other hand. Is that correct?

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A. That's correct.

Q. And you indicated I think this afternoon that you hadn't attended a standardisation meeting?

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A. That is correct.

Q. Is there one planned?

A. Yes, there is one planned, and if I could expand on that?

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Q. Certainly.

A. I - at the same time I wrote to AUSAR and CYC about what we were going to do with regard to the training seminars. I said we must get together and have the standardisation meeting, and Mr Dan Tyler of the Helicopter Association of Australian appeared to be the point of contact and he confirmed that he was, and we've discussed the desirability of doing this and it's just a matter of finding the time. And I emphasise that I have no reason to believe that any specific procedure is different substantially, it's just that we have not assured that they are the same.

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Q. It's almost self-evident that it's a desirable thing that there be standardisation, would you agree?

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A. It is absolutely desirable.

Q. Do you have a time frame on when such a meeting is likely to occur?

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A. Well at the time I opened the discussion with this issue on - with Mr Dan Tyler. I - we had a mind and objective to get this done before the 1999 race, but we have not yet achieved it and of course we have to - it's all very well for us to decide this amongst the group of commercial companies that may or may not participate with Navy and Army. We then have to go through a regulatory authority which would at least involve CASAR(?) I presume and AMSA so, you know, the ambition to get it done before 1999, even the 00 race could very well be too ambitious.

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CALLAGHAN: Q. In the material which you've given to counsel assisting you also included Captain George some material relating to the Southern Ocean rescues of the international sailors in 1997, and without getting into the detail of all that and putting it shortly if you would, do you see those experiences as having some assistance to this inquest?

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A. Yes, yes, I do sir. Your Worship, that was a joint media release from the Ministers for Defence and Transport referring to the Southern Ocean rescues in January of 1997, and yes, there were resonances regarding SAR procedures and equipment that came through from the 1998 Sydney to Hobart

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yacht race and indeed resonated with other races, and SARs that we have participated in. Yes, it is very relevant.

CORONER: Thank you very much, Captain. That evidence has been extremely interesting and worthwhile hearing, and we'll make what we can of it. 5

<WITNESS RETIRED

HILL: We have finished for the day, Mr Coroner. The next witness tomorrow morning is Mr Collinson and he is on communications. He's the only one set for tomorrow, that's the state of things at this stage. 10

CORONER: What about that other issue you were talking about after lunch? 15

HILL: I still haven't heard from him sir, and I hope to hear - well they have my mobile phone, they have my home telephone number. I don't expect to hear from him until tomorrow some time. 20

CORONER: Tomorrow will be a possibility for that evidence?

HILL: Well I doubt it. They have to clear it with the heads of the powers that be. 25

CORONER: I understand.

ADJOURNED PART HEARD TO THURSDAY 20 JULY 2000 30

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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 Local Court of New South Wales StateCoroner's Court in the matter of

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

ON TUESDAY 19 JULY 2000

Dated at GOODSELL BUILDING, SYDNEY
this 21 day of July 2000

NAME	PAGES	SIGNATURE
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