

CORONERS COURT

INQUEST INTO THE DEATHS IN THE 1998 SYDNEY TO HOBART YACHT RACE

STATEMENT OF MARK ROBINSON

On 7 July 2000, I, **MARK ROBINSON**, of 31 Carlotta Road, Double Bay, in the State of New South Wales, sports administrator, say:

Background

1. I have been sailing since I was five years old in boats ranging from dinghies to yachts, both inshore and offshore. However, I have never sailed in a Sydney to Hobart Yacht Race ("SHYR").
2. I have completed my associate diploma in Naval Architecture.
3. I have been employed by the Cruising Yacht Club of Australia ("CYCA") for over 5 years. Since 1996 I have been the Sailing Administrator of the Sailing Office. In my role as Sailing Administrator, I assist Phil Thompson, the Sailing Manager, with on and off water administration and race result management.
4. In mid 1998 I qualified as an IMS Measurer and since that time have been the CYCA Measurer. I am now the NSW Chief Measurer and the Deputy Chief Measurer of Australia.
5. In 1998 I completed the ISAF International Race Officers course and as a result, qualified as a National Race Officer in early 1999.
6. In 1998 I was a member of the SHYR Race Committee and Race Management Team. I have been a member of the Race Management Team since 1996. However, 1998 was my first year as a member of the Race Committee.
7. In 1998 I had a good understanding of ISAF's Racing Rules of Sailing ("RRS"), the prescriptions and special regulations of the AYF and the Notice of Race and Sailing Instructions, which together are the rules under which the SHYR is conducted.

8. In the following paragraphs I have set out my involvement in the 1998 SHYR as a member of the Sailing Office, Race Committee and Race Management Team.

Summary of SHYR Management

Sailing Committee

9. The Sailing Committee is responsible to the CYCA board for the overall conduct and management of the SHYR. However, it delegates the day to day pre-race planning and organisation to the Sailing Office and the race control/ management to the Race Committee and more particularly the Race Management Team.
10. Consequently, the Sailing Committee's role in the SHYR is really one of determining the CYCA's policies in relation to the race and overseeing the Sailing Office's preparations by reference to the Sailing Manager's regular reports throughout the year.

Sailing Office

11. The Sailing Office under the supervision of the Sailing Manager co-ordinates and organises the SHYR up to and including the start when the Race Committee and Race Management Team take over.
12. The Sailing Manager reports to the Sailing Committee and CYCA General Manager throughout the year in relation to Sailing Office's preparations for the SHYR.

Race Committee & Race Management Team

13. The Sailing Committee delegates its responsibility for the conduct of the SHYR to the Race Committee from the commencement of the race until the finish. However, the day to day race management is delegated to the Race Management Team under the supervision of the Race Director. Throughout the time I have been involved in management of the SHYR, the Race Director has as a matter of practice been the Sailing Manager.
14. The Race Management Team is based in Sydney for the start of the SHYR and from midday on 27 December is based in the Race Control Centre ("RCC") at the Royal Yacht Club of Tasmania ("RYCT").

1998 SHYR

SAILING OFFICE

15. In the following paragraphs I have outlined the Sailing Office's involvement in the SHYR between January and 26 December 1998.

January to Mid 1998 – Review Process and Issue of Notice of Race

16. In or about January 1998 Thompson reviewed the Notice of Race from the preceding year and drafted any necessary amendments. At that time, I had some input into the Notice of Race in relation to the speed limit for maxi yachts.
17. Shortly thereafter, Thompson submitted the draft Notice of Race with the suggested amendments to the Sailing Committee for their approval.
18. After the Sailing Committee approved the draft Notice of Race, Thompson arranged for it to be circulated to various persons involved in the SHYR for their comments (eg: members of the Jury) and thereafter, to be submitted to Yachting Association of NSW Racing Rules Committee ("YA of NSW") and Sailing Committee for their approval prior to publishing.
19. Throughout this period Thompson reviewed the overall management and conduct of the 1997 SHYR and considered what changes were desirable for the 1998 race. As part of his review, Thompson had meetings with the Race Committee, CYCA staff and RYCT SHYR Committee in relation to their involvement and experiences in the 1997 SHYR.
20. After Thompson completed the above review process, he reported to the Sailing Committee in relation to suggested changes in the management and conduct of the race.
21. In or about mid 1998 Thompson, with the assistance of Andrea Holt, mailed the Notice of Race to potential entrants and selected yacht clubs.

Mid 1998 to 2 November 1998 – Organisation and Processing of Applications

22. In mid 1998 Thompson, with the assistance of the Sailing Office staff, commenced organising the SHYR including:
- (a) Organising all necessary facilities, support vessels and equipment;

- (b) Co-ordinating and liaising with volunteers and/or personnel involved in the SHYR;
 - (c) Co-ordinating and liaising with authorities and organisations involved in the SHYR such as AMSA, Bureau of Meteorology ("BoM"), Royal Volunteer Coastal Patrol and Young Endeavour;
 - (d) Reviewing the Sailing Instructions from the preceding race, drafting any necessary amendments and thereafter, gaining approval from the Sailing Committee and YA of NSW;
 - (e) Dealing with entrant enquiries and providing/distributing information in relation to the SHYR;
 - (f) Organising the launch of the SHYR in October 1998 and events associated with the SHYR;
 - (g) Arranging the Pre Race Briefing including the SHYR Briefing Kits;
 - (h) Organising the start of the SHYR; and
 - (i) Liaising with the RYCT in relation to the berthing of entrants in Hobart, the Hobart Telephone Information Centre, Radio Room, Race Information Centre and other necessary facilities.
23. I am aware that Thompson regularly reported to the Sailing Committee in relation to the preparations for the SHYR and referred to the Sailing Committee any issues warranting its attention and determination. For example, in 1998 we received numerous requests for the inclusion of a CHS category in the SHYR. Consequently, in or about September 1998 Thompson requested that I report to the Sailing Committee in relation to the inclusion of a CHS category, which I did. As a result of that report, on or about 21 October 1998 an Addendum to the Notice of Race was issued which provided for a CHS category.
24. The Notice of Race required applications for entry for the SHYR ("Applications") to be submitted to the CYCA by 2 November 1998. Consequently, between July and November 1998, Applications were returned to the Sailing Office. Applications were received over the Sailing Office counter, by facsimile or by mail. All Applications received by the Sailing Office were put on either Hoyt's desk or Thompson's desk.

25. All Applications received by the Sailing Office were reviewed and vetted by Thompson. I am aware that Thompson had a practice of referring Applications to the Sailing Committee which were contentious or in respect of which he otherwise needed some direction. However, I do not know how many Applications, if any, were referred to the Sailing Committee in 1998.
26. I am also aware that if a yacht wished to enter the IMS category and had attached to their Application an IMS certificate which was valid but not current, Thompson still approved the Application as current certificates were frequently unavailable when yachts submitted their Applications. However, yachts falling into this category were only eligible to race PHS unless they provided a valid current IMS certificate by 5.00pm 22 December 1998.
27. Similarly, if a yacht wished to enter the CHS category and had not included with their Application a valid current CHS certificate, Thompson approved the Application. However, those yachts were only eligible to race PHS or IMS (if they had supplied a valid current IMS certificate) unless they submitted a valid current CHS certificate by 5.00pm 22 December 1998.
28. Although I was not involved in the vetting of Applications in 1998, Thompson did consult me in relation to Applications for maxi yachts and in particular, in relation to whether they complied with the speed requirement for the SHYR. I also looked at many of the Applications received by the Sailing Office purely for my own interest.
29. After Applications were approved by Thompson, they were filed in the Applications Folder. At that time, all supporting documentation submitted with the Application was also filed in the Applications Folder except for current IMS and CHS Certificates. Current IMS and CHS certificates were put on my desk for filing in the IMS Folder. The IMS Folder contained all the current IMS and CHS certificates in alphabetical order.

2 November 1998 to 24 December 1998 – Entry Forms and Organisation of SHYR

30. After the close of Applications on 2 November 1998, all approved Applications were sent an Entry Form which had to be returned to the Sailing Office by 27 November 1998.

31. At some stage prior to 27 November 1998, Holt made up a chart which listed the yachts that had been sent an Entry Form down the left hand side with a series of columns across the chart for all the SHYR entry requirements ("the 1998 chart"). The 1998 chart was put up on the wall in the Sailing Office and the columns were to be ticked as each requirement was satisfied. Once a yacht had ticks in all the columns, the yacht's name was highlighted to indicate that it was eligible to sail in the SHYR.
32. The 1998 chart was put up on the wall in the Sailing Office so that any staff member or yacht owner who came into the Sailing Office could see what documentation was outstanding for a particular yacht.
33. It should be noted that the certificate column in the 1998 chart was only relevant for IMS and CHS category yachts as they were required to supply a current IMS or CHS certificate by 5.00pm 22 December 1998 to be eligible to race in those categories.
34. Entry Forms were received by the Sailing Office in the period leading up to 27 November 1998 either over the Sailing Office counter, by mail or by facsimile. All Entry Forms received by the Sailing Office were put on either Holt's desk or Thompson's desk.
35. It was my understanding that Holt and Thompson dealt with the Entry Forms put on their desks as follows. They would read the Entry Form and check if an entry fee, insurance certificate, complete crew list, safety certificate, radio certificate and IMS or CHS certificate were included. If so:
 - (1) They would fill in the fees paid, advertising, class, insurance and crew list columns on the 1998 chart;
 - (2) They would put the safety and radio certificates in David Lawson's (the CYCA's chief safety officer) in tray for his review, approval and ticking on the 1998 chart; and
 - (3) Any current IMS or CHS certificates would be given to Thompson, who would check they complied with the Notice of Race (except in relation to speed) and if so, either:
 - (a) Tick the certificate column on the 1998 chart and then, put the certificate on my desk for filing in the IMS Folder; or

- (b) Put the certificate straight on my desk for filing in the IMS Folder. This was done on the understanding that in or about December 1998, Thompson would go through the IMS folder with another staff member and tick off all the yachts on the 1998 chart that had supplied a valid current IMS or CHS certificate.

I note that if an IMS certificate related to a maxi yacht, Thompson would ask me to check that the yacht complied with the speed requirement prior to filing the certificate in the IMS Folder.

- 36. If an Entry Form was submitted that did not attach all the required entry documentation, it was my understanding Thompson or Holt wrote to or telephoned the owner and asked them to submit the outstanding documentation. Sometimes, I assisted Holt and Thompson following up owners in relation to their outstanding entry documentation.
- 37. In the weeks after the close of entries yachts submitted outstanding entry documentation. As that entry documentation came into the Sailing Office, it was the practise in the Sailing Office for the person who received that documentation to:
 - (1) Put safety and radio certificates and any other documentation relating to safety in Lawson's in tray for his review, approval and ticking on the 1998 chart;
 - (2) Put entry fees, insurance certificates and crew lists on Holt's desk for her to tick on the 1998 chart and file in the relevant folders; and
 - (3) Put current IMS and CHS certificates on Thompson's desk for his review and approval. After Thompson approved the certificates, he put them on my desk for filing in the IMS Folder. Prior to that time, Thompson may or may not have ticked the certificate column on the 1998 chart for those certificates.
- 38. To reduce the risk of errors only certain persons in the Sailing Office were allowed the fill in the different columns on the 1998 chart. Only Thompson and Holt filled in the columns relating to entry fees, advertising, class, insurance and crew lists, only Thompson ticked the certificate column and only Lawson ticked the columns relating to safety. I did not fill in the 1998 chart when I received documentation over the counter or otherwise. However, if I was standing near the 1998 chart and the person responsible for a column asked me to tick that column for a particular yacht, I would have done so.

39. It was also common in 1998 for the member of the Sailing Office responsible for a column to go through the relevant folder and another staff member to stand at the 1998 chart while that person read through the folder to ensure all yachts had been ticked who had supplied that documentation. Alternatively, the member of the Sailing Office responsible for a column filed all the approved documentation and then, in or about December 1998 went through the relevant folder with another staff member and ticked off all the yachts that had supplied that documentation in one lot.
40. To the best of my recollection, in or about early December 1998 only a few yachts had been ticked in the certificate column on the 1998 chart. Consequently, Thompson and I went through the IMS Folder and ticked off all the yachts that had supplied a valid current IMS or CHS certificate. To the best of my recollection, after completing that process there were only a few yachts that had not supplied a valid current IMS or CHS certificate. Any current IMS or CHS certificates received after that time, were put on Thompson's desk for his review and approval and then, on my desk for filing in the IMS folder. Those certificates were either ticked on the 1998 chart by Thompson when he approved the certificate or myself when I filed the certificate in the IMS folder.
41. In or about the week beginning 21 December 1998 I compiled the division and category lists for the SHYR. To the best of my recollection, at or about that time most of the class column had not been filled in. Consequently, either Holt or Thompson and I went through the Entry Folder and filled in the outstanding spaces in that column.
42. As I was the CYCA Measurer, I spent most of November and December 1998 out of the Sailing Office measuring. I was also filling in a couple of hours a week for Tony Mooney at the AYF as he was on holidays. Consequently, I had a very limited role in the processing of the SHYR entrants. However, I was involved in processing a few overseas entrants including *Sayonara*, *Nokia* and *Noumea* as I was the only person in the Sailing Office with an e-mail facility and e-mail was the easiest way to communicate with those yachts. I gave all correspondence and entry documentation from *Sayonara*, *Nokia* and *Noumea* to Thompson for his review and approval.
43. Throughout this period, the Sailing Office continued to organise and plan for the SHYR. In this regard, I had the following responsibilities:
- (1) Helping chase up yachts in relation to their outstanding entry documentation;
 - (2) Liaising with Telstra in relation to their website for the race;

- (3) Liaising with Howard Elliott in relation to the scoring/results for the race and ensuring all necessary data was organised to enable Elliott and I to produce results after each Sked;
 - (4) Arranging the installation of SATCOMM C terminals in some of the competing yachts; and
 - (5) Liaising with Computerland in relation to the computer network at the RYCT.
44. At the time of preparing this statement I was informed that Thompson was of the understanding that I was reviewing and approving all current IMS and CHS certificates prior to filing them in the IMS Folder. As I was the CYCA Measurer and responsible for IMS scoring, I can understand how Thompson incorrectly assumed that was the case. However, as I indicated above, it was my understanding that all IMS and CHS certificates were reviewed and approved by Thompson prior to being put on my desk. Furthermore, that the current IMS and CHS certificates were put on my desk for filing because I was responsible for scoring the SHYR and needed to refer to those certificates for handicapping purposes. In this regard, I note that I am responsible for scoring all CYCA races and hence, it is the Sailing Office practice throughout the year to put all rating certificates on my desk for scoring purposes.

Business Post Naiad

45. As far as I can recall, I was not involved in the processing of *Business Post Naiad's* Application, Entry Form or IMS certificates. I was not aware of the problems relating to *Business Post Naiad's* IMS certificate until after the SHYR. I am now aware that the initial IMS certificate submitted with the Application was not current and that subsequently a current IMS certificate was received by the Sailing Office which did not comply with stability requirement for the SHYR ("the current certificate"). I have now seen the current certificate and cannot recall examining that certificate prior to the commencement of the SHYR.
46. The current certificate does not have a "received" stamp or facsimile markings on it. Hence, it is likely it was received over the Sailing Office counter. As *Business Post Naiad* did not berth at the CYCA marina until after 20 December 1998, I believe the Sailing Office must have received the current certificate over the counter on or after 20 December 1998 and by 5.00pm 23 December 1998 (being the day before the Pre-Race Briefing as *Business Post Naiad* was not on the list of yachts with outstanding entry documentation).

47. I have been asked to indicate what would have occurred, if at the time the current certificate was submitted it had been noticed that it was invalid. In those circumstances, I believe that the following would have occurred prior to the start of the SHYR:

- (1) Thompson would have advised the owner that the current certificate was invalid and hence, *Business Post Naiad* was ineligible to race until a current valid certificate was submitted; and
- (2) Suggested that the Sailing Office help him arrange, at his cost, to have the yacht inclined and remeasured and to have some spare lead available at that time, so that a current valid certificate could be issued prior to the start of the SHYR. This process could have been completed in 24 hours.

24 December 1998 – Pre Race Briefing

48. Prior the Pre-Race Briefing on 24 December 1998 Thompson, Hans Sommer, Bruce Rowley and myself discussed how we should deal with the yachts that had not submitted all their entry documentation. We decided that we would announce during the Pre-Race Briefing that those yachts had until midday to submit their outstanding documentation otherwise they would not be allowed to race.

49. Prior to the Pre-Race Briefing, Holt and I handed out the briefing kits as competitors arrived. To the best of my recollection, all entrants received a briefing kit.

50. During the Pre-Race Briefing a list was put on the overhead of the yachts that had not submitted all their entry documentation and, as previously agreed, the owners of those yachts were advised that they would not be allowed to race unless their outstanding documentation was in the Sailing Office by midday. *Business Post Naiad* was not on that list. It was my belief that all outstanding documentation for all entrants was submitted by midday.

26 December 1998 – Start of the SHYR

51. The Sailing Office under the supervision of Thompson co-ordinated the start of the SHYR. I have outlined my activities on that day under the heading Race Committee.

RACE COMMITTEE & RACE MANAGEMENT TEAM

52. As I noted above, the Sailing Committee delegates its responsibility for the management and conduct of the SHYR to the Race Committee from the start of the race. However, the day to day control of the race is delegated to the Race Management Team. Consequently, in 1998 there was no schedule for the Race Committee to convene during the race. However, the committee was available, if necessary, to convene and make decisions and/or deal with any issues which arose during the race.
53. In 1998 the Race Committee consisted of Hans Sommer (Chairman), Bruce Rowley, Thompson (Race Director), Howard Elliott, Robert Badenach, David Boyes and myself.
54. In 1998 the Race Management Team consisted of Thompson (Race Director), Elliott and myself. Sam Hughes, the AMSA Liaison Officer based in the RCC, was also considered a member of the Race Management Team.
55. In 1998 the Race Management Team under the direction of the Race Director had the following responsibilities:
- (1) Co-ordinating and controlling the on and off water conduct of the race;
 - (2) Monitoring Skeds;
 - (3) Monitoring the weather forecasts received from BoM;
 - (4) Collating position reports and producing results after each Sked;
 - (5) Updating the Telstra SHYR website after each Sked;
 - (6) Liaising with Hughes, as the AMSA representative based in the RCC;
 - (7) Liaising and co-ordinating with the Radio Relay Vessel ("RRV"), Media Centre and other organisations/ authorities and personnel involved in the SHYR; and
 - (8) Publication of final results and post-race review in relation to matters which could be improved for the next SHYR.
56. In 1998, as members of the Race Management Team, Elliott and I had particular responsibility for scoring and results. I was also responsible for sending the updates to the Telstra SHYR website.

Bureau of Meteorology ("BoM")

57. I was not aware of any formal protocol in relation to communications between the CYCA and BoM. My understanding was that BoM would provide special race forecasts for the SHYR and if they thought something dramatic was going to happen to the weather, they would contact Thompson or someone else from the Race Management Team or Race Committee and inform us.

25 December 1998

58. On 25 December 1998 a quorum of the Race Committee attended the CYCA to plot the course construction for the IMS handicapping. This was based on a 1400 weather forecast Thompson had received from BoM that day. I can recall Thompson and myself were present at that meeting. However, I cannot now recall who else from the Race Committee was present.
59. I do not recall the content of the 1400 forecast. However, I do recall that it did not contain anything that concerned me. At the time of preparing this statement I read the 1400 forecast and I am still of that view. The 1400 forecast is in the pattern of a "typical" SHYR, however, the forecasted front is lighter than typically experienced. When I refer to a "typical" SHYR, I mean the fleet will sail down the coast under spinnaker with a northerly breeze until they encounter at least one SE - SW front of up to 50 knots, which will last approximately 12 hours. Then, the winds will abate and be much lighter down the Tasmanian coast.

26 December 1998 – Start of SHYR

60. On 26 December 1998 I was at the CYCA by approximately 6.00am to help prepare for the start of the race and was in and out of the Sailing Office until 11.00am, when I went out on the harbour. To the best of my recollection, Thompson, Elliott, Sommer and Rowley were also in and out of Sailing Office that morning.
61. Early that morning some of the Race Committee met to review the course construction for the IMS handicapping based on a weather update Thompson had obtained from BoM that morning. As there was no major changes in the forecast, we decided it was unnecessary to alter the course construction. At approximately 9.00am we published the handicaps for the race.

62. At or about that time some representatives from BoM arrived to set up the weather stand outside the Sailing Office and requested that Holt photocopy an updated forecast. I do not recall the contents of that updated forecast. However, it is likely I read it at some time that morning. I do not recall reading a forecast that morning containing anything I viewed as unusual for a SHYR. At the time of preparing this statement I read the 0904 gale warning forecast and I am still of that view.
63. I am not aware of the representatives from BoM requesting to speak to the Race Committee. I deny that the Race Committee was scheduled to be briefed by BoM that morning.
64. At approximately 11.00am I left the Sailing Office and went out on the harbour with Holt to lay the starting line. I returned to Sailing Office at approximately 3.00pm. I spent the remainder of the afternoon filing and packing up for my flight to Hobart the following day.
65. I do not recall the contents of the 1450 storm warning forecast, which BoM facsimiled to the Sailing Office. However, it is likely I would have either read that forecast and/or discussed it with Thompson at some stage that afternoon. In this regard, I note that Thompson had a practice of reading all forecasts that BoM facsimiled to the CYCA/ RCC. As a consequence of this practice, it was not my practice to necessarily read a forecast if Thompson had read it as, in those circumstances, Thompson would usually summarise the forecast to the other persons present. However, if Thompson was not in the CYCA/ RCC when a forecast was received from BoM, it was my practice to ensure I read those forecasts. I do not recall reading and/or discussing any forecast on the afternoon of 26 December 1998 which was to my mind unusual or alarming for a SHYR. At the time of preparing this statement, I was shown the 1450 forecast and I am still of that view.
66. I note the following in relation to the 1450 forecast:
- (1) The storm warning was for south of Merimbula, which was a day and a half down the race track;
 - (2) There was only a gale warning north of Merimbula, which was the area most of the fleet would be sailing in for the next day and a half and gale force winds are not unusual for a SHYR;

- (3) The forecast was for a W/SW change of 25/35 knots with stronger gusts, which was a lower wind forecast than the previous forecasts that day. Also the wind was in a W/SW direction, as opposed to S/SW, so the fleet would tend to stay close to the coast where the swell and possibly the wind would be less;
 - (4) The waves and swell were much the same as the previous forecasts that day, which were not unusual for a SHYR; and
 - (5) The gale to storm force westerly winds south of Jervis Bay were expected to moderate Monday evening, which meant the fleet would stay close to the coast and out of the swell until the winds abated on the Monday evening.
67. I did not see the 1414 priority storm warning issued by BoM on 26 December 1998 until after the SHYR. In 1998 the CYCA and RRV were only on BoM's mailing list for the special race forecasts.
68. I am not aware of anyone from BoM calling the CYCA or Media Centre that afternoon looking for Thompson or Peter Campbell, the Media Director. Nor am I aware of anyone from BoM leaving a message in relation to a storm warning or sending a facsimile to the Media Centre containing either the 1414 or 1450 storm warning forecast.
69. If BoM had left a telephone message with the Media Centre or facsimiled the 1414 or 1450 storm warning forecast to the Media Centre, I believe that the Media Centre staff would have told Thompson or myself of that fact as they were situated just upstairs from the Sailing Office in the CYCA building.
70. As far as I am aware, in accordance with the Sailing Office's practice, BoM was provided with the CYCA's SHYR contact list prior to the race which listed Thompson's mobile number.
71. In any event, if someone from BoM had telephoned the CYCA looking for Thompson they should have been given his mobile number as all internal telephones had a sticker on them with relevant contact numbers for the SHYR including Thompson's mobile number.

2000 Sked on 26 December 1998

72. I monitored the 2000 Sked on 26 December 1998 at the CYCA and thereafter, produced the provisional race results. To the best of my recollection, I did not hear the first weather broadcast by the RRV because there was a problem with the yachtcomms connection. Nor did I listen to the second weather broadcast by the RRV as at that time, despite the yachtcomms still being within hearing distance, I was concentrating on entering the fleets' positions in the computer so that I could produce the provisional race results. I assumed that the RRV, in accordance with the CYCA's practice, was reading the 1450 special race forecast which we had received from BoM earlier that day.
73. At approximately 10.00pm I published the provisional race results and left the CYCA at approximately 11.30pm.

0300 Sked on 27 December 1998

74. At approximately 2.45am on 27 December 1998 I returned to the CYCA to monitor the 0300 Sked. I cannot recall whether anyone else was present at the CYCA for the 0300 Sked.
75. On my arrival at the CYCA, it is likely I would have read the 0213 forecast, which had been facsimiled to the Sailing Office by BoM. Although I do not specifically recall reading that forecast, I do recall that I was not aware of a forecast at that time which struck me as particularly alarming or concerning. At the time of preparing this statement, I read the 0213 forecast and I am still of that view.
76. When I read a forecast, I look at the strength, direction and duration of the winds and other conditions. With that in mind, I note the following in relation to 0213 forecast:
- (1) Deepening low near 41S 149E moving ENE. At this time, the leading yachts should have been off Eden, which is approximately 200 miles north of 41S 149E. Consequently, as the low was moving ENE, it should have been well on its way to New Zealand by the time the fleet got there;
 - (2) W/SW winds 25/35 knots with stronger gusts. Winds increasing to the south of Merimbula offshore, reaching 40/50 knots that afternoon as the low deepens. As the wind was in a westerly direction, the fleet should have been inshore or on the rumblineline. Only the leading maxi yachts should have been in Bass

Straight that afternoon and hence, experienced the 40/50 knot winds which a maxi can handle.

- (3) Waves were still only a maximum of 5 metres, which is not unusual; and
- (4) The outlook was for W/SW winds to moderate overnight Sunday to 20/25 knots possibly still reaching 35 knots at times near Bass Strait. Hence, by the time the majority of the fleet should have entered Bass Strait late that afternoon the winds should have begun to abate to 20 to 35 knots which is a very reasonable wind strength for a SHYR.

- 77. At approximately 9.00am Thompson and I left the CYCA to catch a 10.00am flight to Hobart via Melbourne. Elliott had flown to Hobart earlier that morning to monitor the 14:00 Sked. Hughes had also flown to Hobart earlier that morning.
- 78. Our flight from Melbourne to Hobart was delayed so when Thompson and I arrived in Hobart, we went straight to the RCC. We arrived at the RCC about half way through the 1400 Sked. I recall Elliott, Badenach and Hughes were in the RCC when we arrived.

1400 Sked on 27 December 1998

- 79. I cannot recall the specifics of the weather broadcasted during that Sked. However, I do recall *Sword of Orion* advised she was experiencing westerly winds of 50 to 65 knots with gusts up to 78 knots. This was far more severe weather than had been forecasted.
- 80. During and after the Sked, Thompson, Elliott, Hughes and myself discussed the weather information received from *Sword of Orion*. I do not recall the content of that conversation except that it resulted in someone contacting Lew Carter on the RRV and requesting that he broadcast a message to the fleet warning them about the weather being experienced and reminding the skippers that it was their responsibility to decide whether to continue racing.
- 81. At or about the time of the 1400 Sked on water incidents began to be reported and the number of reports increased as the afternoon progressed. During that afternoon *VC Offshore* rolled and issued a May Day. I am now aware that at approximately 1700 AMSA declared a May Day for the general area, although I cannot recall being aware of that fact at the time. At or about that time, we were advised that *Winston Churchill* had issued a May Day and that the crew had abandoned the yacht, which was sinking. The crew were in life rafts.

82. During the remainder of the evening the incident reports continued to escalate including the issuing of May Days, man overboard ("MOB") being reported on *Kingurra* and *Sword of Orion* and yachts being rolled or knocked down and dismasted.
83. Throughout this period those present in the RCC were primarily performing the following tasks:
- (1) Recording incidents/events as they occurred and hence, keeping abreast of the status of the fleet and the yachts in trouble. In this regard, we attached pieces of paper to the windows in the RCC and recorded:
 - (a) Events relating to yachts in serious trouble on one window. For example, May Days and MOB;
 - (b) Yachts with incidents which were not critical on another window. This included yachts who had missed Skeds. If a yacht missed two Skeds it was moved to the critical window; and
 - (c) Yachts that had retired and whether they had arrived safely at their destination on another window.
 - (2) Facilitating/ co-ordinating a flow of information between AMSA, the RRV and the fleet to enable AMSA to co-ordinate rescue operations and to enable us to keep relatives informed;
 - (3) Keeping relatives of the yachts we perceived to be in serious trouble informed. Generally enquiries were made to the RYCT Telephone Information Centre. However, as matters deteriorated, we regularly gave the telephone operators a list of the yachts whose relatives were to be transferred directly to the RCC so that we could communicate with them directly as information came to hand; and
 - (4) Continuing the routine co-ordination and management of the SHYR.
84. The above tasks were largely allocated to certain persons. Hughes liaised with AMSA and the fleet through the RRV and communicated with relatives. Elliott assisted Hughes. Thompson, as the Race Director, continued to oversee the co-ordination and management of the SHYR. Elizabeth Drolz (Thompson's wife) and I recorded information as it came into the RCC. Badenach, Sommer and Rowley helped out as necessary. All other tasks were allocated as they were required to be done. For

example, I was asked to create fleet status reports on the computer based on the information at hand for distribution to personnel and authorities involved in the management of the on water crisis.

85. After the 1400 Sked Hughes was in constant communication with AMSA and directed the Race Committee/ Race Management Team in relation to the manner in which the RCC could support AMSA in its co-ordination of rescue operations.

86. At some time late on the evening of 27 December 1998, I recall Hughes said words to the following effect:

Hughes said: "The guys in Canberra have asked that we consider calling off the race".

87. To the best of my recollection, at that time Thompson, Sommer, Hughes, Elliott, Rowley, Badenach and myself discussed whether we should abandon the race. During the discussion someone obtained a weather update. I cannot recall the content of that update except that that the weather was expected to abate the following day. I recall that the discussion was directed by Hughes and Thompson. I cannot now recall what was said during that discussion except that there was a consensus amongst the group that we should not abandon the race. This consensus was arrived at for the following reasons:

- (1) From the weather update we had received, we understood the winds were expected to abate over the next 24 hours;
- (2) It was of no advantage to the fleet if we abandoned the race because the fleet was already in the storm and we could not remove them from that situation;
- (3) The skippers were in the best position to assess their yacht, crew and the weather conditions and to make a decision based on their particular circumstances as to the safest manner in which to proceed; and
- (4) If we abandoned the race, we may have caused fleet to act differently than they would have otherwise and as such, to their detriment. In particular, we felt that the fleet may instinctively return to Eden and as such, turn back into the storm which may not have been the safest and best decision as the fleet would be sailing beam on into the storm and as such, be more likely to get rolled or knocked down and dismasted.

88. After our discussion, Hughes conveyed our decision and our reasons to AMSA by telephone. As far as I am aware, AMSA agreed with our decision as Hughes did not discuss the matter further after telephoning AMSA. Abandoning the race was not discussed again.
89. At the time of preparing this statement I have had the opportunity of reading Hughes' police interview dated 20 July 1999 and Brian Willey's police interview dated 9 November 1999. In relation to Hughes' interview, I agree with Hughes that it was too late at that time to abandon the race, as the majority of the fleet was already in the storm. I also agree that the RCC was not aware from the forecasts or otherwise of the conditions the fleet were to encounter during the storm until *Sword of Orion* gave the first indication during the 1400 Sked, by which time the majority of the fleet was already in the storm which appeared to be in the vicinity of Gabo Island. Once a yacht was in the storm returning to Eden in my opinion was more dangerous than sailing to Hobart as they would have been sailing beam on across the wind and swell and hence, been more likely to be rolled or knocked down and dismasted.
90. In relation to Hughes and Willey's versions of their conversations in relation to abandoning the race, I am personally unaware of the content of their conversations. However, as far as I was aware Hughes conveyed our views on abandoning the race to AMSA and AMSA did not express disagreement with those views.
91. I also note that many of the problems Willey refers to in relation to identifying yachts and communications were rectified in the 1999 SHYR by the implementation of various changes including photos of the fleet being sent to AMSA prior to the race, 4 Skeds being conducted per day, database of crew details being made available to AMSA and shortened yacht names.
92. I left the RCC to have a shower and check into the hotel at approximately 2330 or midnight on 27 December 1998 and was gone for about an hour.

28 December 1998

93. I returned to the RCC at approximately 1.30am on 28 December 1998.
94. The RCC continued to operate on 28 December 1998 as it had done throughout the afternoon/evening of 27 December 1998.

95. I was present for the 0300 Sked. I recall the weather forecast was more positive. It forecasted lower wind, waves and swell and had a fine weather outlook. I also recall yachts being asked to deactivate their beacons if they were not in imminent danger as so many EPIRBs were being activated that AMSA was struggling to locate yachts in imminent danger.
96. I recall later that morning three people being winched off *Sword of Orion* with the balance to be picked up by daylight and later we received confirmation that the remaining six crew were airlifted.
97. At some stage later that morning we were informed the crew from *Business Post Naiad* had been airlifted with two dead crew remaining on board. I recall being shocked two people on *Business Post Naiad* had died because as far as I was aware they were motoring to Eden.
98. I was still in the RCC for the 14.00 Sked. However, by this time the weather had abated, there was a rapid fall in the number of incidents being reported and yachts were starting to leave Eden to continue racing.
99. Later that evening the first life raft from *Winston Churchill* was found, the search for the MOB on *Sword of Orion* was terminated and then, later the second life raft from the *Winston Churchill* was found with only two crew, who advised that the three remaining crew members had been swept from the life raft.
100. At sometime on 28 or 29 December 1998 I went back to the hotel and had an hour or two sleep. However, I do not recall when I did that.

29 December 1998

101. On the morning of 29 December 1998 I recall the body of one MOB from *Winston Churchill* being found. Then, later that afternoon the search for the two remaining lost crew was terminated.
102. At some stage on 29 December 1998 we had a debrief in the RCC. Annexed and marked "A" is a true copy of the notes from that debrief. Those notes accord with my recollection of our discussion.
103. Throughout the race I had my mobile telephone with me, which was always switched on.

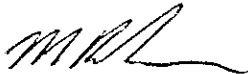
104. Despite a disaster plan not being in place in 1998, in my opinion the RCC managed and conducted the SHYR competently throughout the on water crisis. In this regard, it should be noted that the RCC did not co-ordinate search and rescue. This was done by AMSA. However, the RCC did support AMSA by ensuring a flow of information/ communication between AMSA and the fleet via the RRV.

Police Interview

105. I found my police interview on 19 October 1998 very stressful and, on reviewing my police interview, have found that some of my answers were incorrect and/or did not convey what I was attempting to convey. For this reason, I have set out my recollection of the events in full in the preceding paragraphs. To the extent the preceding paragraphs are inconsistent with my police interview, I adhere to this statement. In addition, I wish to make the following specific comments in relation to some of my answers in the police interview.
106. I refer to my answers to questions 249 and 250. I met with the members of the Race Committee prior to 25 December 1998 in my role as Sailing Administrator not as a member of the Race Committee. The Race Committee did not convene as a committee prior to 25 December 1998.
107. I refer to my answers to questions 321 to 325 and note that my responses were incorrect. The Race Committee is not involved in the vetting of Applications and processing of entries. The vetting of Applications and processing of entries was carried out by the Sailing Office in the manner set out above.
108. I refer to my answers to questions 455 to 459. At the time of my interview I thought there was a vetting committee in 1998. However, I am now aware that was not the case.
109. I refer to my answers in relation to the eligibility requirements for the SHYR and note that many of my responses in this regard were incorrect as I got flustered in the interview. As I noted above, in 1998 if a yacht wished to enter IMS category and provided a valid but not current certificate at the Application stage their Application would be approved. However, that yacht would only be eligible to race PHS until such time as it provided a current valid certificate. When current certificates were submitted to the Sailing Office, Thompson would check that they were current and valid. If a current certificate was submitted which was invalid that yacht would not be eligible to race in SHYR in any category. Consequently, as *Business Post Naiad*'s current IMS certificate was invalid, it was ineligible to race in the SHYR at all.

110. In 1998 the Sailing Office did not receive an e-mail from the AYF which contained stability data. However, we did receive an e-mail which contained various data to enable us to plot the IMS course construction including owner details, yacht name, certificate issue date and speed table.

Dated: 7 July 2000



.....
Mark Robinson



SEARCH AND RESCUE PROBLEMS / ISSUES

(Collated following debrief held 1500 hrs 29/12/98.)

Present: H. Sommer, Sam Hughes, Howard Elliott, Phil Thompson, Mark Robinson, E Drolz

Please note the issues are not in order of priority.

Next of Kin

- notification procedure
- NOK information needs to be checked for accuracy and include full name and relationship of NOK.

Crew Lists

- include crew addresses
- two contact persons
- ensure contact persons have all crew NOK details

Information

- accuracy and slowness of information forwarded to Race Centre
- lack of regular, consistent information from external agencies eg Eden Coastal Patrol

Media Issues

- information being released from multiple sources eg AMSA
- reportage of inaccurate and premature information
- negative image of race management created by the perception of our lack of information as a result of the preceding points

Communications

- secure / better communications channel to radio relay vessel
- Telstra Yachtcom access/usage
- radio reception not adequate
- position reporting system relies on too many variables

Process / Procedure Issues

- no formal 'disaster' control plan / process for Race Control on place
- knowledge deficit of AMSA process
- lack of inclusion of CYC role in AMSA process
- 'missed sched' procedure – time delay considered lengthy
- standard operations procedure manual required for all centres

Crew Procedure Issues

- Crews not following standard procedures such as listening watches (perceived) and 'missed sched' procedure

Race Centre Issues

- ? too many - CYCA, Eden, Hobart
- difficulty controlling multiple centres
- deputy backup required for AMSA personnel
- more secure office environment required

Eden Base

- Role clarification and duty statement required for personnel
- Formalised processes and procedures required

Safety

- review personal safety equipment to include mandatory items such as inflatable floatation jackets and personal EPIRBs