

STATEMENT in the matter of:
SYDNEY TO HOBART YACHT RACE-1998

Place: Bega Police Station

Date : 21 February 2000

Name: Stewart Joseph GRAY
Address: Bega Police Station Tel. No.: 02 64 929999
Occupation: Detective Senior Constable of Police STATES:-

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

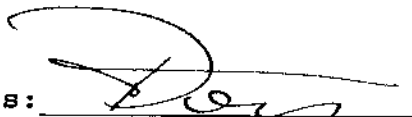
2. I am 35 years of age.

3. About 10.30am on Monday 28th December, 1998 I received a phone call from Constable STEVENSON in relation to a number of yachts and crew missing in the Sydney to Hobart Yacht Race. As a result of that call I travelled to the Bega Police Station.

4. I travelled to Merimbula Airport with Constable STEVENSON. There I had a conversation with Sergeant WELSBY in relation to the rescue operation that had commenced. He informed me a number of yachtsmen and yachts were still missing. As a result of this Constable STEVENSON and I travelled to Eden Police Station.

5. We attended the Eden Harbour Masters Office, which is situated, on Eden Wharf. There I had a number of conversations

Witness:


C. Bennett
Sgt.
9/8/00

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with Inspector MAWDSLEY and other Police in relation to the situation.

6. Later that afternoon I went with Constable STEVENSON to a vessel which was moored at Eden Wharf. This vessel was owned by Mr Andrew MURRAY. Mr MURRAY raised a number of issues in relation to communications and the confusion during the evening of the 27th December, 1998. He also mentioned the rescue of team Jaguar. He considered the Business Post Naiad was in greater need of rescue than Team Jaguar.

7. On this vessel I met Mr Shayne HANSEN, Mr Peter KEATS, Mr Matthew SHERIFF, Mr Lawrence ROGERS, Mr Robert MATTHEWS, Mr Tony GUY and Mr Steven WALKER. I had a number of conversations with these men who were all crew members of the Business Post Naiad. All of the crew were concerned about the length of time the Naiad remained inverted and the communications on the evening of the 27th December, 1998.

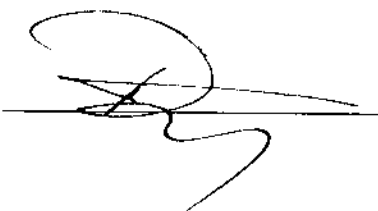
8. A short time later we all attended the Eden Police Station. Senior Constable STEVENSON and I conducted an electronic interview with crew members of the Naiad.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

9. At the completion of the interviews all men were returned to Mr MURRAY's vessel.

10. I then had a conversation with Mr Greg HALLS at the Eden Harbour Masters Office. As a result of that conversation we travelled to the Eden Police Station where I conducted an

Witness:



Signature:



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electronic interview with him. Mr HALLS is an experienced yachtsmen and has on previous occasions been a Sydney to Hobart Yacht Race Director. He indicated the inversion time of the Naiad was unusually long.

11. On the evening of Monday 28th December, 1998 I interviewed Mr HALLS at the Eden Police Station. This interview was recorded.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

12. On the evening of Monday 28th December, 1998 Detective GREY and I conducted an electronic interview with Mr MURRAY at the Eden Police Station.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

13. On Wednesday 30th December, 1998 I attended the Greenseas Wharf, which is situated at Eden Port. There I saw the crew of the Police vessel Nemesis and I observed the Yacht 'Business Post Naiad' tied up along the wharf. I made a number of observations in relation to this vessel. The mast was broken and lying on the deck. There was wire rigging strewn about the deck. I also saw a crack along the portside window on the coachhouse. Part of the perspex was missing.

14. I saw the deceased Mr Phillip SKEGGS lying on his back in the cockpit of the vessel. Legs to stern. At the time he was dressed in his sailing clothing. This clothing consisted of a red jacket, long pants and blue and white gumboots. There was an orange lanyard wrapped around Mr SKEGGS chest and this was fixed to a point near the companionway. I also observed the deceased Mr Bruce GUY in one of the bunks below deck. He was dressed in what appeared to be a green and white long sleeve collared shirt

Witness: _____

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and long black pants and grey socks. He was lying on his left side facing the starboard side of the vessel. I observed purple coloured bruising to the left side of his back. There was a strong smell of oil in the Naiad and there was approximately 8 to 10 inches of water in the vessel. There was also a great deal of sailing equipment and personal belongings strewn around inside the vessel.

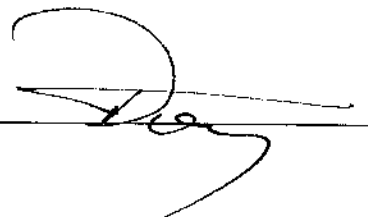
15. I had a conversation with Senior Constable UPSTON in relation to the rescue of the vessel. He informed me a number of photographs had been taken of the Naiad at sea.

16. I then had a conversation with Superintendent AMBLER in relation to the possibilities of having the vessel examined due to the inversion time which was considered unusual. Superintendent AMBLER indicated I should speak with the senior Water Police Officer on the scene. I had a conversation with Sergeant BUCKLEY. I informed him perhaps the Naiad should be slipped and examined. He informed me there was no reason, as the vessel appeared intact.

17. I had a further conversation with Superintendent AMBLER in relation to having the boat examined. Due to a number of reasons the Business Post Naiad was not slipped or examined.

18. On Wednesday 30th December, 1998 I had a conversation with staff from the NSW Coroners Unit. I made application for a Summons to seize audio tapes and log books from the Radio Relay Vessel Young Endeavour. Further inquiries were made with the Tasmanian State Coroner. As a result a summons was issued for execution on the Young Endeavour.

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19. On Thursday 31st December, 1998 I received information from Detective Sergeant SMITH, Hobart CIB the Summons had been executed and a number of documents and tapes were taken into Police Custody. These tapes have been transcribed for the investigation.

EXHIBIT: I PRODUCE A COPY OF THE TRANSCRIBED TAPES

20. On Monday 1st of January, 1999 Senior Constable UPSTON and I travelled to Hobart. There we attended Hobart CIB where I took possession of 10 audiotapes and radio log documents seized from the Young Endeavour.

21. On Saturday 2nd January, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Robert KOTHE, Mr Carl WATSON, crew of the Sword of Orion. This interview was conducted at the Hobart Police Station.

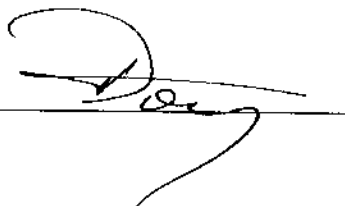
EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

22. On 2nd January, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Anthony LYALL at the Hobart Police Station.

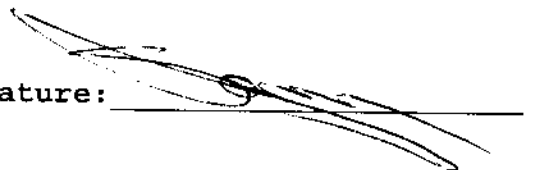
EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

23. On Saturday 2nd January, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Phillip THOMPSON, 1998 Sydney to Hobart Yacht Race Director. This interview was conducted at the Hobart Police Station.

Witness:



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24. On Monday 4th January, 1999, Senior Constable UPSTON and I conducted an electronic interview with Mr Neil GALLETLEY, Captain of the Young Endeavour. This interview was conducted at the Hobart Police Station.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

25. On Monday 4th of January, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Robert BADENACH, Member of the 1998 Sydney to Hobart Yacht Race Committee.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

26. On Sunday 3rd January, 1999 Senior Constable UPSTON and I attended the address of Stephanie SKEGGS. There we met her children and Mrs Roslyn GUY. A statement was obtained from Mrs GUY and Mrs SKEGGS.

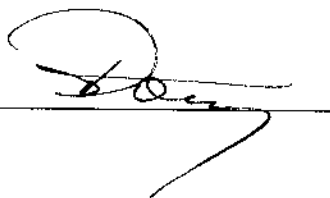
EXHIBIT: I PRODUCE THOSE TWO TYPED STATEMENTS

27. On Thursday 7th January, 1999 I conducted an electronic interview with Mr Darren SENNOGLES at Pymont. Mr SENNOGLES was a crewmember off the Sword of Orion.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

28. About 11am on the 10th January, 1999 I received a call from an anonymous male. This person informed me the Business Post Naiad had failed to meet the entry requirements for the

Witness: _____



Signature: _____



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29. As a result of that call I contacted the CYCA. I spoke to Mr Greg HALLS, who was at the time a member of the 1998 CYCA Race Review Committee. I informed him of the call. I asked Mr Halls to forward the stability certificates in relation to the Naiad. These were sent to me that same day. I observed certificate no: 711500 indicated a stability index of 110 degrees and a limit of positive stability of 112.9 degrees. I also noticed this certificate was not valid after the 30th June, 1998.

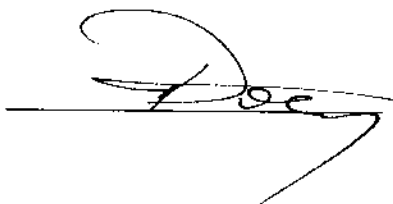
30. The other certificate 711500 indicated a stability in Index 102.8 degrees and a limit of positive stability of 104.7 degrees. This certificate was not valid after 30th June, 1999. This was the certificate, which was forwarded to the CYCA for entry into the 1998 Sydney to Hobart yacht race. This was the stability certificate (IMS) which was forwarded to the Cruising Yacht Club prior to the race. This certificate was in the summonsed documents at the CYCA. Therefore, it was forwarded and filed at the CYCA prior to the race.

31. On the 13th January, 1999 I contacted Mr HALLS and requested he forward the Naiad entry form. I asked him what the stability requirements were for the Business Post Naiad, and he informed me the stability required was 110 degrees, because the Naiad had previously sailed in Sydney to Hobart Races. He used the term the vessel was 'Grandfathered.'

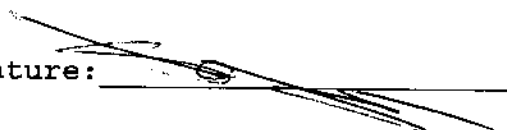
32. Upon receipt of these documents I observed the Stability requirements for entry into the 1998 Sydney to Hobart Race were 110 degrees in the 'Grandfathering Clause.'

33. On the 18th January, 1999 I travelled to the Cruising

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Yacht Club of Australia with Senior Constable UPSTON. There we

had a number of conversations with Mr Peter BUSH and Mr Greg HALLS. Whilst at the Club I took possession of two stability certificates, and a copy of the 1998 Notice of Race.

34. It was apparent at this stage the Business Post Naiad Had not complied with entry requirements for the 1998 race.

35. Mr BUSH informed me he had spoken to Mr David LYONS and forwarded documents to him to examine the documents relating to the Business Post Naiad. He further stated LYONS would prepare a report in relation to the matter.

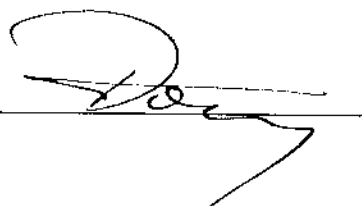
36. On 19th January, 1999 I contacted Mr David LYONS. I informed him of the situation in relation to the Business Post Naiad. He informed me he had spoken to Mr BUSH in relation to the matter. He informed me he was aware of the situation. I requested a copy of his report upon completion. He agreed to forward a copy to me.

37. On Thursday 21st January, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr John GIBSON. Mr GIBSON was a crewmember of the Winston CHURCHILL. Mr GIBSON was a crewman from the Winston CHURCHILL.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

38. On the 27th January, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Lew CARTER. Mr CARTER was the Communications Operator on board Young Endeavour during the 1998 Race. The HF radio utilised by Telstra Control on board Young Endeavour did not have an in-built recording

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system. A portable cassette recorder was placed alongside the HF
Radio to record conversations.

EXHIBIT: I PRODUCE A TRANSCRIP OF THAT ELECTRONIC INTERVIEW

39. On the 27th of January, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr David LAWSON. Mr LAWSON was a Safety Officer with the CYCA. He produced a safety checklist in relation to all of the vessels that entered the 1998 Sydney to Hobart Yacht Race.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

40. On Thursday 28th January, 1999 Senior Constable UPSTON and I conducted an electronic interview at the Bureau of Meteorology, Sydney. This interview was with Mr Lance LESLIE. On the same day we interviewed Mr David LYONS in Sydney.

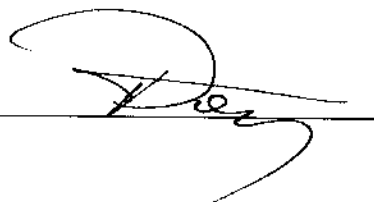
EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

41. On Friday the 29th of January, 1999 Senior Constable UPSTON and I conducted a number of electronic interviews at the Cruising Yacht Club of Australia, Rushcutters Bay. These interviews were with Mr Don BUCKLEY, Mr Richard PURCELL, Mr William RILEY, Mr Bob BRENAC and Mr David WIGGIN.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

42. On Thursday 4th of February, 1999 I conducted an electronic interview with Mr Lachlan MARSHALL. Mr MARSHALL is the owner of a number of fishing boats in the Eden area. He discussed a number of issues relating to seas, and storms. This interview

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was conducted at Eden Police Station.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

43. On Wednesday 10th February, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Tony MOONEY from the Australian Yachting Federation. We also interviewed Mr Colin BETTS at the Cruising Yacht Club, Sydney.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

44. On Thursday 11th February, 1999 Senior Constable UPSTON and I conducted electronic interviews with Robert GORDON, Mr Brian EMMERSON, Miss Lisa MCKENZIE, Mr Tim MESSENGER, Mr Tony EGINTON Mr Steven BURNETT and Mr Martin JAMES. All of these interviews were conducted at the Cruising Yacht Club of Australia.

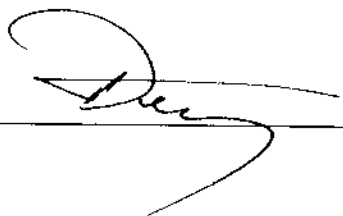
EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

45. On Tuesday 9th March, 1999 Senior Constable UPSTON and I made application for a Summons to produce Documents. We then attended Mr VAN KRETHSMARS place of work and explained the summons to him. We then attended the CYCA where the Summons was issued to staff. As a result of this a number of documents were seized and a receipt was issued for those documents. The documents were seized to establish if a vetting system had been in operation prior to the 1998 race, and if a system existed in previous years.

EXHIBIT: I PRODUCE A COPY OF THOSE DOCUMENTS

46. On Friday 12th March, 1999 Senior Constable UPSTON and

Witness: _____



Signature: _____



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interview was conducted at Hobart Police Station.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

47. On Saturday 13th March, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Maurice CONTESSI and Mr David BOYES. These interviews were conducted at Hobart and Orford.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

48. On Sunday 14th March, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Mark ASPINALL and Mr John BENNETTO. These interviews were conducted at Hobart Police Station.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

49. On Monday 15th March, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Richard Fisher. This electronic interview was conducted at Launceston Police Station.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

50. On Monday 12th April, 1999 I conducted an electronic interview with Mr Steve KULMAR. This interview was conducted at Mosman.

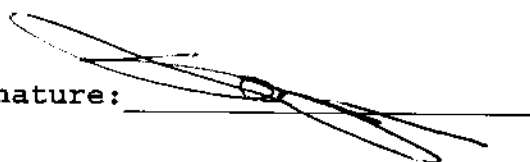
EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

51. On Saturday 17th April, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr David KEY, Mr Barry BARCLAY, Mr Daryl JONES and Mr Brian CLAGUE. These interviews

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I conducted electronic interviews with Mr David KEY, Mr Barry BARCLAY, Mr Daryl JONES and Mr Brian CLAGUE. These interviews were conducted at Victorian Police Air Wing and the Victorian Water Police Section.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

52. On Sunday 18th April, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Lou ABRAHAMS, Mr Garry SCHIPPER, Mr Michael DOLPHIN and Mr Mark LAWRENCE. These interviews were conducted at Melbourne Water Police.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

53. On Monday 19th April, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Gary CLAPHAM. This interview was conducted at Lorimer Street, Melbourne.

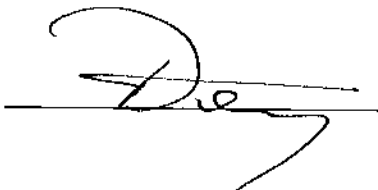
EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

54. On Tuesday 20th April, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr John BAYLEY, Mr Peter LEIGH at Taralgon and also Mr Stephen SIMPSON and Mr Bruce TAYLOR at Pier 35, Lormier Street, Melbourne.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

55. On Wednesday 21st April, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Andrew MACHIN. This interview was conducted at Melbourne Water Police.

Witness:



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EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

56. On Thursday 22nd April, 1999 Senior Constable UPSTON and I conducted electronic interviews with Ms Cecelia O'LEARY, Mr Richard WOLF, Mr Scott BUG, Mr Paul CARPENTER and Mr Matthew TAYLOR. These interviews were conducted at the RAAF Edinburgh.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

57. On Friday 23rd April, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Kevin PEARCE, Mr Tim EDKINS, Mr David EVANS, Mr David WOODS, Mr Gary SHANKS, Mr Rod HUNTER, Mr James HALLION and Mr Andy MARRIETTE. These interviews were conducted at Adelaide Police Station and Adelaide Cruising Yacht Club.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

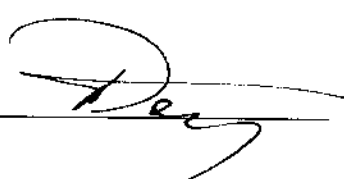
58. On Sunday 25th April, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Herbert PRENDERGAST. This interview was conducted at Brisbane.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW


59. On Monday 26th April, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Peter CARTER, Mr David LESLIE and Mr Peter BYRNES. These interviews were conducted at Mooloolaba Yacht Club.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

Witness:



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60. On Tuesday 27th April, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Wayne MILLAR, Mr Will OXLEY and Mr John BYRNE. These interviews were conducted at Townsville Police Station.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

61. On the 5th of May, 1999 I travelled to the Australia Maritime College with Counsel Assisting the Inquiry, Senior Constable UPSTON and Ms Pam LAZARINI. There we met with Dr Martin RENILSON. We discussed a number of issues in relation to the Business Post Naiad.

62. On the 6th of May, 1999 we discussed Yacht Model testing the Business Post Naiad to establish the significance of stability and inversion time and the effects of the stability of the Naiad during the 1998 Sydney to Hobart Yacht race.

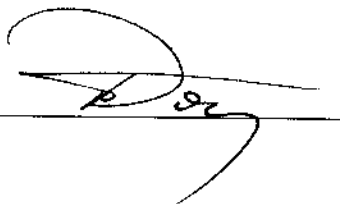
63. On Friday 7th May, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Mark BALLARD and Mr Rowan JOHNSTON. These interviews were conducted at Hobart Police Station.

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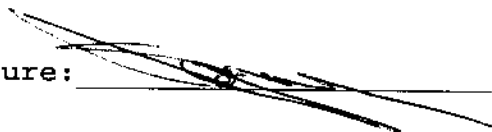
64. On Saturday 8th May, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr John SMITH and Mr Steven CLARKE. These interviews were conducted at Hobart Police Station.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

Witness:



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65. On Sunday 9th May, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr David GOODFELLOW, Mr Craig ESCOTT and Mr Guy LEWIS. These interviews were conducted at Hobart Police Station

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

66. On Thursday 3rd June, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Stephen AINSWORTH, Mr Peter KIRBY, These interviews were conducted at Sydney Water Police.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

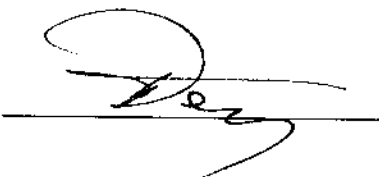
67. On Friday 4th June, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Greg HALLS. This interview was conducted at Sydney Water Police.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

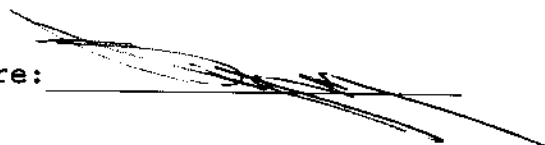
68. On the 17th June, 1999 Senior Constable UPSTON and I had further conversations with Dr RENILSON at the Australian Maritime College. After speaking to Dr RENILSON we had discussions with Mr Tony BOYLE, Survival Centre Australian Maritime College in relation to liferaft trials and capabilities.

69. On Monday 28th June, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Owen HOOD and Mr Fen THOMPSON. These interviews were conducted at Adelaide Quins Marine.

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EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

70. On Tuesday 29th June, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Steven KEMP and Mr Geoff BASCOMBE. These interviews were conducted at Port Lincoln, South Australia. Mr BASCOMBE drew two diagrams during the interview.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

EXHIBIT: I PRODUCE THOSE TWO DRAWINGS

71. On Wednesday 30th June, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Chris HEWITT and Mr Mark COTHIER. These interviews were conducted at RFD Melbourne.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

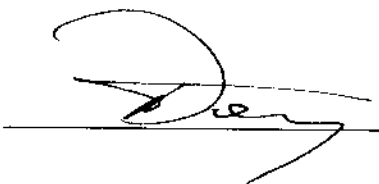
72. On Thursday 1st July, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Neil BOAG, Mr Angus CAMERON and Mr Adrian WALTER. These interviews were conducted at Moorabbin, Victoria.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

73. On Friday 2nd July, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Ian PEDRIAU. This interview was conducted at Sydney Water Police.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

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Signature:



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Name: Stewart Joseph GRAY

74. On Saturday 3rd July, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Roger BADHAM. This interview was conducted at Sydney Water Police.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

75. On Friday 9th July, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Geoff HEDGER. This interview was conducted at Merimbula Police Station.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

76. On Saturday 10th July, 1999 I conducted an electronic interview with Mr Olle HREINSSON. This interview was conducted at Eden Police Station.

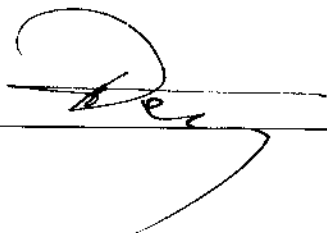
EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

77. On Tuesday 20th July, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr John YOUNG, Mr Anthony HUGHES and Mr Robert GREEN. These interviews were conducted at AUSSAR, Canberra and Tuggerawong, ACT. Mr GREEN sailed the vessel 'Gundy Grey.' The vessel sailed with nine crew but only had an eight-man liferaft on the vessel. During the race this liferaft was washed off the vessel.

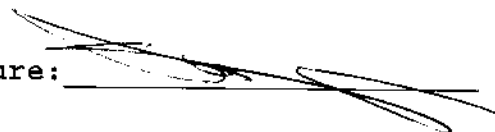
EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

78. On Wednesday 21st July, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Hugo VAN KRETCHMAR and Mr Peter BUSH. These interviews were conducted at Sydney Water

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT
RACE-1998

Name: Stewart Joseph GRAY

Police.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

79. During the evening of Wednesday 21st July, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Ces QUILKEY. A portion of this interview was recorded on video.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

EXHIBIT: I PRODUCE A COPY OF THE VIDEO INTERVIEW

80. On Thursday 22nd July, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Colin PERRY. This interview was conducted at Wollongong airport.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

81. On Friday 23rd July, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr John STANLEY, Mr Richard WINNING and Mr Edward PSALTIS. These interviews were conducted at Sydney Water Police.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THESE ELECTRONIC INTERVIEWS

82. On Saturday 24th July, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Paul LUMTIN and Mr William RILEY and Mr Robert KOTHE. These interviews were conducted at Sydney Water Police.

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT RACE-1998

Name: Stewart Joseph GRAY

EXHIBIT: I PRODUCE A TRANSCRIPT OF THESE ELECTRONIC INTERVIEWS

83. On Friday 20th August, 1999 Senior Constable UPSTON and I attended the Australian Maritime College in relation to tank testing of the Business Post Naiad model. We were present at this testing until Sunday 29th August, 1999. Senior Constable UPSTON and I returned to the Australian Maritime College on 13th September, 1999 where more tank testing was conducted until the 18th September, 1999. The results of that testing have been reported by Dr Martin RENILSON. Every run during the tank testing was recorded on video.

EXHIBIT: I PRODUCE A NUMBER OF VIDEO RECORDINGS WHICH WERE MADE DURING THE STABILITY TANK TESTING

84. On Wednesday 25th August, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Ian MILNER. This interview was conducted at Launceston.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

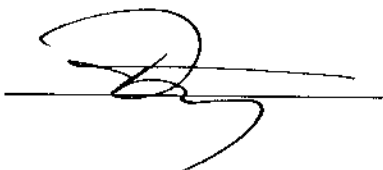
EXHIBIT: I PRODUCE A VIDEO OF THAT INTERVIEW

85. On Friday 17th September, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Richard HOOPER. This interview was conducted at Tamar Marine, Launceston. This interview was also recorded on video.

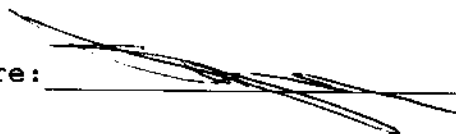
EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

EXHIBIT: I PRODUCE A VIDEO OF THAT INTERVIEW

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT
RACE-1998

Name: Stewart Joseph GRAY

86. On Sunday 19th September, 1999 Senior Constable UPSTON and I attended the Australian Maritime College Survival Centre. There we spoke to Mr Tony BOYLE. We commenced liferaft trials at the Australian Maritime College Survival Centre. The liferaft exercises at the Survival centre continued until 20th September, 1999. The results of these trials have been reported by Mr Tony BOYLE.

87. On Tuesday 21st September, 1999, Mr Tony BOYLE and a number of Tasmanian Police Divers conducted liferaft sea trials in Bass Strait in relation to liferafts and harnesses.

EXHIBIT: I PRODUCE A VIDEO OF THE LIFERAFT SEA TRIALS AND THE LIFERAFT TRIALS AT THE SURVIVAL CENTRE

The results of these studies have been reported by Mr BOYLE and Mr HURST.


EXHIBIT: I PRODUCE A VIDEO OF THE HARNESS EXERCISES CONDUCTED AT SEA AND AT THE MARITIME COLLEGE

88. On Wednesday 22nd September, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Steve WALKER. This interview was conducted at Australian Maritime College.


EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

89. On Friday 24th September, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr David BOYES and Mr Hugh HUTCHINSON. These interviews were conducted at Hobart

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT
RACE-1998

Name: Stewart Joseph GRAY

Police Station and Bureau of Meteorology, Hobart.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

90. On Saturday 25th September, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Zane BOUCHER. This interview was conducted at Hobart. Part of this interview was recorded on video.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

EXHIBIT: I PRODUCE A COPY OF THAT VIDEO RECORDING

91. On Friday 15th October, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Ken BATT. This interview was conducted at Bureau of Meteorology, Sydney. During that interview Mr BATT handed me a weather forecast fax which was forwarded to various authorities on the 26th December, 1998.

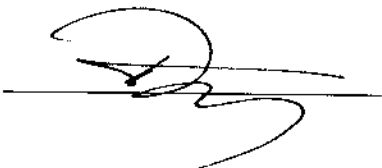
EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

92. On Saturday 16th October, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr John GIBSON and Mr Bruce ROWLEY. These interviews were conducted at Sydney Water Police.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

93. On Sunday 17th October, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr Bruce GOULD. This

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT RACE-1998

Name: Stewart Joseph GRAY

interview was conducted at Royal Sydney Yacht Squadron.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

94. On Tuesday 19th October, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Phillip THOMPSON and Mr Mark ROBINSON. These interviews were conducted at the Cruising Yacht Club, Sydney.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

95. On Wednesday 20th October, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Hans SOMMER and Ms Andrea HOLT. Ms HOLT declined to be interviewed and requested the attendance of her Solicitor. A short time later Mr HARRIS attended. The interview was commenced, I recorded her request not to be interviewed on tape in the presence of Mr HARRIS.

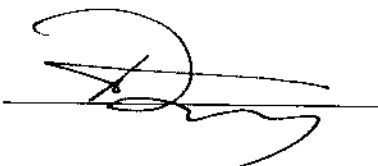
EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

96. On Monday 1st November, 1999 Senior Constable UPSTON and I conducted an electronic interview with Ms Denise LAWLER. This interview was conducted at her home address.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THIS ELECTRONIC INTERVIEW

97. On Wednesday 3rd November, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Rob KOTHE and Mr Richard PURCELL. These interviews were conducted at Sydney Water Police.

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT
RACE-1998

Name: Stewart Joseph GRAY

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

98. On Friday 5th November, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Peter MESSENGER, Mr Roger HICKMAN, and Mr Peter BARTELS. These interviews were conducted at the Cruising Yacht Club, Sydney.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

99. On Wednesday 1st December, 1999 Senior Constable UPSTON and I conducted electronic interviews with Mr Richard FISHER. On the same day we conducted a number of experiments on a vessel called 'Nadia IV'. These experiments were conducted under the supervision of Mr Andrew DOVELL. Mr Richard FISHER conducted a number of exercises along with Mr John ANDERSON. The results of this exercise were reported by Mr DOVELL. Senior Constable UPSTON and I conducted another electronic interview with Mr FISHER that afternoon.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE TWO ELECTRONIC INTERVIEWS.

EXHIBIT: I PRODUCE A VIDEO OF THE EXERCISE INVOLVING FISHER AND ANDERSON

100. On the same day Senior Constable UPSTON and I conducted an electronic interview with Mrs Shirley BANNISTER. These interviews were conducted at Royal Prince Alfred Yacht Club and Pymble.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT
RACE-1998

Name: Stewart Joseph GRAY

101. On Wednesday 8th December, 1999 Senior Constable UPSTON and I conducted an electronic interview with Mr John ANDERSON. This interview was conducted at Pyrmont Police Station.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

102. On Thursday 10th February, 2000 Senior Constable UPSTON and I conducted electronic interviews with Mr K NOMOTO and Mr Barry DEAKIN. These interviews were conducted at Launceston.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

103. On Friday 11th February, 2000 Senior Constable UPSTON and I conducted an electronic interview with Mr Robert BADENACH. This interview was conducted at Hobart.

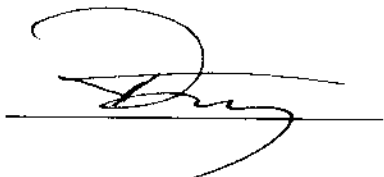
EXHIBIT: I PRODUCE A TRANSCRIPT OF THAT ELECTRONIC INTERVIEW

104. On Sunday 13th February, 2000 Senior Constable UPSTON and I conducted electronic interviews with Ms Ruth PLUMMER, Mr Ken MITCHELL, Mr Michael WEBB and Mr Len ALLEN. These interviews were conducted at Melbourne.

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

105. On Wednesday 16th February, 2000 Senior Constable UPSTON and I conducted electronic interviews with Mr Brett GAGE and Mr Howard ELLIOTT. These interviews were conducted at the Bureau of Meteorology and the Sydney Police Centre.

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT
RACE-1998

Name: Stewart Joseph GRAY

EXHIBIT: I PRODUCE A TRANSCRIPT OF THOSE ELECTRONIC INTERVIEWS

106. As a result of a number of inquiries which were conducted on Monday 28th December, 1998, I was informed Mr Bruce GUY and Mr Phillip SKEGGS died on the Yacht 'Business Post Naiad.'

107. I have interviewed the crew of the Business Post Naiad. As a result of those interviews it has been established about 5.30pm on Sunday 27th December, 1998 the yacht was dismasted due to a 360-degree roll. The Yacht continued.

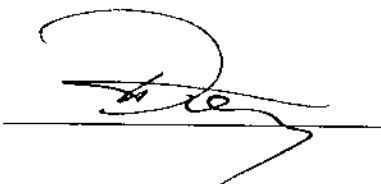
108. About 10.55pm on Sunday 27th December, 1998 Mr Phillip SKEGGS along with Mr Robert MATTHEWS were on deck when the yacht was rolled to 180 degrees and remained inverted for some 4 to 6 minutes. Mr GUY was below deck when he suffered what appeared to be a heart attack. When the yacht righted itself Mr SKEGGS was over the side of the yacht. He was pulled back on deck and resuscitation was commenced with no success.

109. At the time Mr SKEGGS died he was wearing a safety harness and lanyard which was fixed to the port side of the vessel.

110. The crew placed Mr SKEGGS in the cockpit of the vessel secured his body. Mr GUY was secured in a bunk below decks.

111. The remaining crew of the Naiad were airlifted by rescue Helicopter on Monday 28th December, 1998. The Yacht was towed to Eden by Police Vessel Nemesis on the 29th December, 1998.

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT RACE-1998

Name: Stewart Joseph GRAY

112. The approximate position of the Business Post Naiad when it rolled on the second occasion was approximately 37 degrees 16.5 minutes south and 150 degrees 11.2 minutes east.

113. The last person to see Mr SKEGGS alive was Mr Robert MATTHEWS. He was on deck prior to the second roll. The last person to see Mr GUY alive was Mr Steve WALKER. It appears, Mr SKEGGS was unable to release his lanyard from the harness.

114. Upon the retrieval of the bodies of SKEGGS and GUY, they were conveyed to Pambula Hospital where life was pronounced extinct by Dr NELSON and a death certificate was issued.


115. Both bodies were then conveyed to the Glebe Morgue where Post Mortem examinations were carried out.

116. As a result of interviews carried out on crew of the Sword of Orion. I was informed Mr Glyn CHARLES, an English Olympic Yachtsman was helming the Sword of Orion when she was hit by a wave which caused her to roll through 360 degrees. 117. The yacht rolled at approximately 5.10pm on Sunday 27th December, 1998.

117. The approximate position of the yacht at the time of the rollover was 38 degrees 15 minutes south and 150 degrees 19minutes east. At the time of this rollover Mr CHARLES was helming the vessel. He was situated in the cockpit area at the rear of the yacht.

118. At the time of the rollover, Mr CHARLES was fixed to the yacht in a harness and he was tethered to the yacht by a safety

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT RACE-1998

Name: Stewart Joseph GRAY

lanyard. This lanyard was similar to seatbelt material and it was orange in colour. The lanyard was from the boat Sword of Orion. It carried a 'Tuff Marine' label. The lanyard had a number 9 written on it. The harness did not have an Australian Safety Standard badge attached.

119. This lanyard was recovered and handed to Police by Mr Darren SENNOGLES. An initial examination of the harness indicates the webbing stitching on the safety lanyard closest to the body has failed. The lanyard was still fixed to a point in the cockpit after Mr CHARLES was washed overboard.

120. A number of examinations and tests have been carried out by the Roads and Traffic Authority Crash Lab in relation to the lanyard worn by Mr CHARLES. The results of these tests have been reported by Mr Derek WAINAHOU, Mr Carlos BRITTOS and Mr Chris TURNER from NSW Work Cover.

121. The last person to see Mr CHARLES alive was Mr Darren SENNOGLES, he was interviewed on 7th January, 1999.

122. On 21st January, 1999 I attended the Cruising Yacht Club of Australia with Senior Constable UPSTON. There I interviewed Mr John GIBSON. Mr GIBSON was a crewmember on the Winston Churchill. He informed me around 5.00pm on Sunday 27th December, 1998, a large wave hit the Winston Churchill and as a result damage was occasioned to the vessel.

123. The vessel began to sink shortly thereafter and two liferafts were deployed. The Winston Churchill was approximately

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT RACE-1998

Name: Stewart Joseph GRAY

37 degrees 15 minutes south and 150 degrees 15 minutes east when it sank. This position was determined as a result of a radio message relayed by Mr WINNING to Telstra Control when the boat began to sink.

124. We have established this was not the correct position as a result of a position at sked number 3 27/12/98 at 1400 which was 37 degrees.35 minutes south and 150 degrees.28 minutes east.

125. We have determined an approximate position when the two liferafts were deployed that being 37 degrees and 55 minutes south and 150 degrees and 25 minutes east. This has been calculated by the speed and direction of the Winston Churchill between the 2nd sked at 0300 hours 27th December, 1998 and the 1400 hours sked on 27th December, 1998. This is an indicative position.

126. Mr GIBSON, along with Mr BANNISTER, Mr DEAN, Mr LAWLER and Mr STANLEY entered a 6 man Pro Saver liferaft. This liferaft was tethered to another raft, which also contained crew from the vessel. A short time later the rafts came apart due to the failure of the line and were separated. This was due to the sea conditions experienced at the time.

127. Within a short time the liferaft drogue broke free, the raft was thrown around severely by the sea. A short time later the raft became inverted. It remained inverted for about 15 minutes. Injuries were suffered by a crewmember due to sea conditions and bodies being intertwined. On this occasion while the raft was inverted, discussions were had in relation to the lack of oxygen in the raft.

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT
RACE-1998

Name: Stewart Joseph GRAY

128. Discussions were also held in relation to leaving the raft to right it. It was decided this was not a safe option. It was decided by a majority to cut a hole in the floor of the raft, which was now the roof. A five-inch slit was made.

129. Sometime after midnight, Mr STANLEY has indicated around 2.00am on the 28th December, 1998 the raft was hit by a series of large waves. This caused the raft to be rolled through 360 degrees on a number of occasions. As a result of this Mr DEAN, Mr LAWLER and Mr BANNISTER were washed out of the raft. It appears the hole initially made had opened thus allowing the exit of the three men.

130. The last persons to see Mr DEAN, Mr BANNISTER and Mr LAWLER alive were Mr John STANLEY, and Mr John GIBSON.

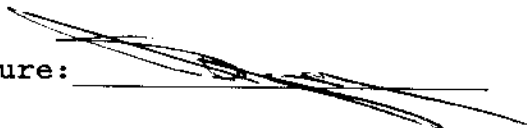
131. The bodies of Mr Jim LAWLER and Mr Mike BANNISTER were recovered by Navy Helicopter on the evening of Monday 28th December, 1998. Mr BANNISTER was located at a position 37 degrees 23 minutes 7 seconds South and 151 degrees 27 minutes 23 seconds east. Mr LAWLER was located at a position 37degrees 23 minutes 50 seconds south and 151 degrees 24 minutes 45 seconds east. Both bodies were flown to Merimbula Airport and then conveyed to Pambula Hospital. These co-ordinates were supplied by Lt HUTCHINSON, Helicopter Observer Royal Australian.

132. Life was pronounced extinct by Dr SIMONSON. The bodies were then transferred by road to the Glebe Morgue where Post Mortem examinations were carried out.

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT RACE-1998

Name: Stewart Joseph GRAY

133. The body of Mr John DEAN to my knowledge has never been recovered. I am of the opinion he is dead. There has been no evidence that I have found to indicate he is alive.


134. After further inquiries I am of the opinion Mr DEAN died sometime during the morning of Monday 28th December, 1998 along with Mr BANNISTER and Mr LAWLER. Dr LUCKIN has supplied information in relation to the possible survivability of the three men in the sea after they were thrown from the raft.

135. As a result of this investigation, I am of the opinion the Stability certificate forwarded to the CYCA between the 29th September, 1998 and 9th November, 1998 was seen by the Race Director.

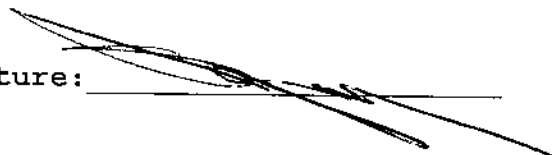
136. The first certificate sent with the application forms was issued on 27th July, 1997 it was not valid after 30th June, 1998. Due to its expiry, a person from the Sailing office has requested the owner to have the boat remeasured so a valid certificate can be appraised to ensure it meets the requirements for entry.

137. I am of the opinion the following has occurred. The Business Post Naiad has been remeasured by Mr Richard FISHER on the 18th September, 1998. The figures were recorded by FISHER and forwarded to the Australian Yachting Federation for the issue of a new certificate. This new certificate indicates a stability index of 102.8 degrees and a limit of Positive Stability of 104.8 degrees.

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT
RACE-1998

Name: Stewart Joseph GRAY

138. The certificate has then been sent to the owner Mr Bruce GUY. He has in turn forwarded the certificate to the Race Committee either with an application or on its own.

139. I am of the opinion, the following may have occurred:

1. This new certificate has not been viewed by any member of the Race Committee or by those in charge of ensuring the boat complies in relation to stability.

2. The other alternative is the new certificate has been seen and accepted. This would support the fact the Naiad has been ticked off as complying.

3. Further to this, it is possible the person responsible for checking certificates, which are issued, has assumed the stability index would be the same as the certificate which had expired.

I am able to say the certificate, which was forwarded to the CYCA by MR GUY prior to the race, was received. It was located with other stability documents seized by Police.

140. On Tuesday, 22nd February, 2000 I attended the Glebe Coroners Court with Senior Constable UPSTON. There we spoke to Detective Senior Constable O'ROURKE in relation to subpoenaed documents. In particular a piece of paper indicated the entrants for the 1998 Sydney to Hobart Yacht Race. This piece of paper indicates the name of the boat and all of the requirements to enter the race. On observing this piece of paper the Business Post Naiad has been ticked as complying.

141. During the afternoon of Tuesday 22nd February, 2000 Senior Constable UPSTON contacted Mr Peter BUSH. Mr BUSH directed his

Witness:



Signature:



STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT RACE-1998

Name: Stewart Joseph GRAY

call to Mr THOMPSON. Senior Constable UPSTON said, "We have the checklist for the boats, we would like to ask you further questions about that list? Mr THOMPSON informed Senior Constable UPSTON he did not wish to speak with us in relation to that matter.

142. It was our intention to ask Mr THOMPSON why on the checklist the 'Business Post Naiad' has been checked off as complying. The area in questions related to certificate. This section was ticked. As Mr THOMPSON did not wish to speak to us in relation to this matter we have not been able to determine what the tick actually means.

143. On Tuesday 7th March, 2000 Senior Constable UPSTON and I travelled to Melbourne. We obtained typed statements from Mr Malcolm HART and Mr David BROWN.

EXHIBIT: I PRODUCE A COPY OF THOSE TWO TYPED STATEMENTS

144. On Wednesday 8th March, 2000 Senior Constable UPSTON and I attended 100 Western Beach Rd, Geelong. There we conducted an electronic interview with Ms Ruth PLUMMER.

EXHIBIT: I PRODUCE A COPY OF THAT ELECTRONIC INTERVIEW

145. In relation to the Sword Of Orion Harness and Lanyard worn by Glyn CHARLES, I am of the opinion the harness was made sometime around 1984,85. A number of prototype lanyards were made and forwarded to Technisearch for testing. It appears the remaining lanyards were kept on premises.

Witness: _____

Signature: _____

STATEMENT (continued) in the matter of: SYDNEY TO HOBART YACHT
RACE-1998

Name: Stewart Joseph GRAY

146. When the order was made by Zakspeed, these remaining prototype lanyards and harnesses have been sent in the order to fit out the Sword Of Orion.

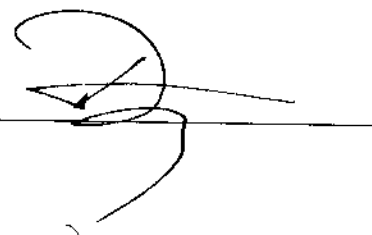
147. The lanyard in question has a number of characteristics that would indicate it is a prototype.

- 1.The Tuff marine Label is on the lanyard.
- 2.The clip on the lanyard is one of the original clips
(A new clip was utilised after testing of the original lanyards.)
- 3.There is no Australian Safety Standard badges on the lanyard

Ms PLUMMER agrees it is possible the prototype lanyards and harnesses were placed in the order that was eventually placed on the Sword of Orion.

148. Ms PLUMMER acknowledges the Delivery Note from 'Zakspeed' appears to be in her handwriting.

Witness:



Signature:

