

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Tony guy and the Launceston CIB office on Tuesday, the 16th of March, 1999. Also present, seated to my left is Senior Constable David Upston from the New South Wales Water Police. The time by my watch is now 10.04am. Tony, as I already explained to you, the reason we need to speak to you today is in relation to the Business Post Naiad, and you recall that I spoke to you on the 28th of December last year at Eden Police Station - - -

A Yeah, that's right.

Q1 - - - shortly after you were rescued from the boat. Now, before we get going into the questions, I'm just wondering if you could supply me with your, your name?

A Tony Guy.

Q2 Your date of birth?

A 21st of the 10th, '66.

Q3 And your address?

A 1 French Street, Launceston.

Q4 And your occupation?

A Builder.

Q5 O.K. Now, as you're aware, we're making inquiries in relation to the Sydney to Hobart and in fact our inquiries have led us to a particular situation with the Business Post Naiad in which there are some problems that we have recognised in relation to stability. Now, you were on that boat and in what

capacity were you on the boat, again?

A Helmsman.

Q6 Right, O.K.

A One of four.

Q7 O.K. Now, prior to the 1998 Sydney to Hobart race, were you aware of the stability rating of, or index of, the Naiad?

A I had seen the figures about, how long ago, about six months ago.

Q8 O.K. Do you recall what those figures were?

A I wouldn't have a clue. I noticed a bunch of figures basically. I know as far as, I went and sat in Bruce's office one day and we went through it, and, the old one and also the new one, and it still came within the criteria of the race, the IMS measurements.

Q9 O.K. Were you aware of what that criteria is, or was?

A No, it's basically just a figure. After all the, I don't know a hell of a lot about it, but it's supposed to be a figure which needs to happen, as far as I'm aware.

Q10 O.K. Well, did you see that figure at all?

A I did, yeah, yeah.

Q11 And you can't recall that figure?

A No, no, no.

Q12 O.K. If I was to tell you that the figure, or the Sydney to Hobart Yacht Race is a category 1 race. Are you aware of that?

A Yes.

Q13 O.K. Now, under the rules, a category 1 race, I'll just show you this document here which is International Measurement System, IMS regulations - - -

A Yeah.

Q13 - - - 1998 Offshore Racing Council.

A M'mm.

Q14 I show you at part 201 which is headed, "Stability Index".

A Right.

Q15 "Limits and exclusions". Offshore Racing Council race category 0 - - -

A M'mm.

Q15 - - - 1 and 2. O.K. Then over to the right of that, there's a minimum stability index.

A Yeah.

Q16 And the 0 is 120.

A M'mm.

Q17 The 1 is 115, and category 2 is 110.

A Yeah.

Q18 O.K. Those are the categories and the stability requirements for those categories. Do you understand that?

A Yeah, totally, yeah.

Q19 O.K. Now, if I show you the certificate which was issued on the 15th of October, 1998, for the boat titled "Naiad".

A Yeah.

Q20 I'll take you down to the stability index.

A Yeah.

Q21 And that figure there is 102.8.

A Yeah.

Q22 Does that surprise you?

A It does actually, yeah.

Q23 O.K. Now, if we go over to here, we have another figure here which is calculated limit of positive stability, which is 104.7. So there's a variance of two degrees there, some two degrees.

A M'mm.

Q24 But nevertheless, you can see that it falls well below the category 1 of 115 - - -

A Right.

Q24 - - - minimum.

A You don't happen to have the previous IMS certificate, do you?

Q25 We do.

A Uh-huh.

Q26 Now, the previous IMS certificate which was issued on the 25th of September, '98, sorry, 29th of September, 1998, indicates a stability index of 105.6

A Right.

Q27 A calculated limit of positive stability, 109.5.

A Right.

Q28 So you can see once again on the calculated limit of positive stability, it's still .5 under.

A Yeah.

Q29 Well more than, it's 5.5 under the minimum 115.

A Mm.

Q30 So, does that surprise you?

A It really does. The boat shouldn't have been doing the Sydney-Hobart in that case. It obviously didn't meet the criteria.

Q31 Now, I show you a certificate with yacht description "Naiad" - - -

A Yeah.

Q31 - - - which was issued on the 28th of July, '97.

A Yeah.

Q32 The limit of positive stability index is 110.3.

A M'mm.

Q33 Which still leaves it 4.7 under the minimum.

A Yeah.

Q34 The calculated, limit of positive stability is 112.9.

A Mm.

Q35 O.K. So, we're looking at, what, 2.1.

A Yeah, below.

Q36 Below. So what we're saying is here, is between the 28 July, '97, and the 29th of September, '98, there's been some possible modifications to the boat.

A Yes, there has been.

Q37 Which would, in fact, have a bearing on these readings. So, are you able to enlighten us as to any changes that may have been done between that period, roughly?

A I know for a fact that 600 kilos of lead's sitting at Bruce's place as we speak.

Q38 600 kilos?

A Yes. I believe it's 600 kilos, that was taken out.

Q39 O.K. Was that taken out all at once, are you aware?

A I feel, I think it was, yes, yes. Not 100 per cent of that, but I think he took the whole lot out, because he was playing around with it one particular day and it was all, the, the lead was actually glassed in, and he started, it started to lift, the glass, 'cause the lead was inside the hull, sitting on the hull, glassed over the top. And he pulled it out. And he did have intentions of putting it back, but then the boat seemed to, to love it more, so he, a lot easier to handle.

Q40 When you say "love it more", what do you mean by that?

A The boat was quicker. But at the same time, as far as I was concerned, I've been sailing for 27 years, the boat was very stable.

Q41 Well, between the - - -

A Is that under IOR measurement is it, or IMS.

Q42 IMS.

A IMS.

Q43 Yeah. Back in 19, the boat was measured on the 3rd of September, '95, and issued, a certificate was issued on the 27 October, '95, and the stability index here of 143.0.

A Right. So perhaps - - -

Q44 Calculated positive is 146.4. So you can see over the history of the boat, from that date, '95, - - -

A Yeah.

Q44 - - - it is - - -

A He may have had two gos at it then, he must have had two gos at it, for sure.

Q45 Gone down to 110.

A M'mm.

Q46 If we stick with, stick with the index number.

A Yeah.

Q47 Then she goes down to 105.

A 105, yeah.

Q48 Then she goes down to 102.

A Mm.

Q49 So, effectively, she's dropped some 44 degrees in stability index - - -

A Mm.

Q49 - - - over that short period of time.

A That's, I wasn't actually aware of that, I knew, I knew that, I know the weight's sitting there, the lead's there, but - - -

Q50 Whereabouts exactly under the house is the weight?

A Under the bench, under work bench in the house. It's actually, Steve Walker actually weighed it when we come back from, you'd probably know that anyway, but he weighed it when he came back from Sydney.

Q51 What would, why would Steve want to go and have a look under the house for the lead and weigh it?

A He knew where it was. Bruce and Steve are great mates, and, he just, he just, he wanted to do it, he just wanted to see how much weight was taken out of it. For no reason, I mean, we would, none of us, all of us are

experienced sailors - - -

Q52 Yeah.

A - - - and none of us would have gone on the boat if we thought there was any sort of - - -

Q53 O.K. Now, I'll take you to the rules in the Notice of Race.

A Yeah.

Q54 But you probably don't know about this, I mean - - -

A No, I don't.

Q55 You're a crewman on board and - - -

A Exactly, I flew in Christmas Day.

Q56 Yeah. Bruce was the man who was sort of in charge of all this. But, if you look here at 6.2.2 for IMS categories, and that's the category - - -

A

Q56 - - - in which the Naiad raced, you'll see, "A. Hold a current valid IMS rating and accommodation certificate, unless specifically amended or excluded of race". B is, "comply with the minimum stability index of ORC race category for events, IMS reg 201".

A Right.

Q57 So then we refer to that document I just showed you. That book I just showed you.

A Mm.

Q58 Category 1, 115.

A Right, yeah.

Q59 So you agree there's a fair - - -

A Totally. The boat wasn't grandfathered at all, was it?

Q60 No.

A It wasn't. Because of it's age.

Q61 No. Because it would have to have, to be grandfathered, it has to have, I'll show you grandfathering.

A Yeah.

Q62 "6.1.7, Grandfathering. Yachts which have been accepted for entry into a previous Sydney to Hobart race which do not comply with the stability requirements of 6.14" - - -

A Yeah, which is what we've just been going through.

Q63 What we're just going through.

A Yeah.

Q64 "For IMS yachts or 6.1.5 for PHS yachts that have a stability index greater than 110 may be eligible for entry provided no structural or ballast alterations have been made that would reduce the yacht's stability", and it says that, "The race committee will be the sole judge as to the eligibility of a yacht subject to this notice". And IMS regulation 201 - - -

A Yeah.

Q64 - - - which I'll show you.

A 110?

Q65 Mm. So it doesn't even make the, the grandfather - - -

A No.

Q65 - - - grandfathering.

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Q66 Or even eligible for a category 2 race.

A 2 race. Which is very interesting.

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Q67 How do you feel about that now?

A I feel very surprised. Bruce being as thorough as Bruce was, I'm surprised he even, I'm surprised he didn't actually put the lead back in the boat to meet that criteria, 'cause he was just that sort of person, he's thorough right down to the nth degree, with everything. Whether he just overlooked the fact that those numbers weren't right, but I'd be surprised if he did overlook it.

Q68 If you were aware of that situation, prior to the race, and it was pointed out to you the variation there, would you have raced on that boat?

A Yeah.

Q69 You would have raced on the boat?

A Yeah. That, that boat, as far as I'm concerned, is a very stable boat. I've done a lot of miles on it, a lot of miles on it, and, I mean, I obviously would have, I mean, it still wouldn't have worried me, say, raced on it, sailed on it, say, sailed on it, I still wouldn't, it wouldn't have worried me at all. Just knowing the boat. I mean, I've done a lot of miles in it, probably about four or 5,000 miles on the boat, and in some pretty wild stuff as well, so, it's not -

Q70 Are you surprised that it has in fact passed the

criteria to enter the Sydney to Hobart?

A Totally, yeah. It shouldn't have gone through. It just shouldn't have happened. I mean, the, as far as all these measurements here, the CYC should have, should have knocked it back.

Q71 Mm.

A I mean, you can't, I suppose you'd liken it to entering a V8 in a four cylinder car race, basically. It's, you can't do it. But, you know, I just don't believe it should have happened.

Q72 I mean, it's, I agree with what you're saying so far as you've got experience of the boat and you're happy with the boat, but there's regulations which - - -

A Totally, yeah, yeah. I may not necessarily have actually, well, if, if that had been the case and, and, that people had been aware that that was, that was - - -

Q73 The situation.

A - - - that was the situation, well, it would have been looked into and, and the problem would have been addressed, as in put the lead back in or whatever, 'cause I mean - - -

Q74

A Obviously Bruce must have overlooked it. Because he, he was that thorough type of person.

Q75 O.K. Is there anything else you'd like to say?

A No, no.

Q76 Dave?

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No, nothing, that's fine.

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Q77 O.K. The time on my watch is now 10.17am. This
interview is concluded.

INTERVIEW CONCLUDED