

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Steven Walker at the Australian Maritime College on Wednesday, the 22nd of September, 1999. The time on my watch is now 9.34am. Also present seated to my left is Senior Constable David Upston from the New South Wales Water Police. For the purpose of the record, Steve, could you please state your full name?

A Steven Ross Walker.

Q2 Your date of birth?

A 1st of the 10th, 1953.

Q3 Your current address?

A 84 Jackson Street, Wynyard, Tasmania.

Q4 And your occupation?

A Self employed sailmaker.

Q5 O.K. As I've explained to you prior to this interview, you're aware that Senior Constable Upston and myself are making inquiries in relation to the 1998 Sydney to Hobart Yacht Race.

A That's correct.

Q6 And basically we spoke to you about a week ago and there were a number of things that you wished to raise with us in relation to a, the Cruising Yacht Club report, review committee report on the 1998 Sydney to Hobart Yacht Race as well as the appendices attached to that report. Is that correct?

A That's correct.

Q7 O.K. So if we could just start. If you could point out the inaccuracies that you believe are evident in some of these reports?

A Upon, I'll start with the actual official report, the report of the 1998 Sydney-Hobart Race by the review committee of May, 1999. There's several articles in there that's, that's, that where Business Post is mentioned that I don't think are correct. If you go to page 86 it's got Business Post Naiad at the top of the page, Some time later the crew believing the yacht was in imminent danger of sinking prepared the second life raft for deployment. Well, this is after the second roll. That's not really true. As we saw it, as I saw it, at the time of the second roll and immediately the boat righted itself and we tried to deal with Bruce and Phil, well, well, immediately two people deployed one life raft because the boat was at that point right at the point of sinking, water was coming up the cockpit, over the companionway and down below and that was stemmed when we put the storm boards back in. But the boat was very low in the water, had over a metre of water or had at least a metre of water down below and right on the point of sinking. At that point we actually deployed a life raft and had the other life raft in the cockpit ready to deploy in case the boat actually sank. We had trouble with the first life raft continually flipping, we put wet, wet sleeping bags and all sorts of heavy gear that we could find in it to try

and stabilise it which finally helped, but it just kept on flipping in the atrocious conditions. The second one was left attached to the, to the boat and in the cockpit. They were both, both life rafts were in soft valises and had been stored down below.

Q8 Right.

A So really both life rafts were on deck, one was deployed, the other one was sitting there. We, we bailed the boat, tried to do the, what we could with the dead and, and then continued, bailed the boat out til it was about a half a metre deep. At that point we were pretty much exhausted, there was not much more we could do, so we basically decided to just close the boat up and go down below, leaving Phil's, Phil Skeggs secure in the cockpit and we endeavoured to take the second life, the second undeployed life raft down below because we felt that if we got raked by another large sea we didn't want to actually lose it, we'd have one over the side and one down below and we felt that that would probably be the safest - - -

Q9 Mmm.

A - - - course of events. In the process of getting it, trying to get it down below the actual rope that fires off the life raft got caught, bearing in mind down below was a greasy, slippery mess and all the floorboards and everything were gone, so it wasn't a normal, easy thing to do. Somehow that line got pulled when the boat, when the life raft was just through the

companionway and it started to self-activate down below. At that point we had the option of either putting a knife in it or getting it out the hatch before it had fully inflated. We chose to, to get it out of the hatch and put it over the side with the other one. I didn't actually put it over the side, that's, I just sat it in the cockpit, tied it to the boat, sat it in the cockpit, went below. The wind blew it over the side, sat it over the side of the boat and stayed in that position with the other life raft until, until a large wave raked us again at 3.00, 3.00am in the morning and that life raft disappeared.

Q10 O.K.

A Both life rafts disappeared, I should say.

Q11 Right. O.K.

A If we move on to page 112, part 7, point 611, Business Post Naiad, halfway down it says, Guy took the decision to try it under bare poles. It says then, After some 15 to 30 minutes under bare poles and around 17.30 hours Business Post Naiad became beam on to the seas and was a little sluggish to steer. Well, the fact was really, as soon as we took the storm jib down it was sluggish to steer. We were only doing 2 to 4 knots and with the windage we just didn't, all we could do was basically go beam on. Maybe, maybe we could get it up to 70 degrees to 75 degrees to the wind, I'd say, at best and, or we'd run off at about 120 degrees to the, to the wind. So basically we were beam on to the seas

all through that period and there was probably not much else we could do. We didn't have any other options basically, didn't have a sea anchor to deploy or we didn't have a smaller storm jib to put up that was -

- -

Q12 So you were beam on prior to the second roll.

A Yes.

Q13 Right.

A We were beam on the whole time, we were basically heading 180 degrees south.

Q14 All right.

A We thought that that was probably the safer heading rather than heading back north, back over the continental shelf where we thought it may be worse.

Q15 Right.

A Continue on to page 113, it's got a, halfway down it's got, The crew below came on deck to assist in clearing the rig which was lashed to the deck. This is after the first roll. The paragraph above says, The crew, the five crew on deck were all washed into the water on the starboard side with the mast and were able to scramble back on deck within 1 to 2 minutes, all wearing harnesses. That's basically correct, but the crew below came immediately on deck and immediately assisted the guys who were over the side to get them back on board. And first, and the first reaction was to get the guys back on board safely and that's, most of us didn't have our, I just, I was in the process of

getting undressed, just had my trousers on and the guys in the bunk just came out in their normal clothes.

Q16 Yeah.

A I mean we didn't even have harnesses on, we just, which was silly but we just felt we didn't have time, we had to get the guys back on board first.

Q17 Mmm.

A As soon as that happened we then secured ourselves correctly, dressed and then got the rig back on board.

Q18 Right.

A So we didn't come back up on deck to, just to clear the deck up, we mainly came back up to get the guys on deck
- - -

Q19 Right.

A - - - to get the guys back on deck. The next paragraph goes on talking about the aerials, basically our H.F. started to work when we got the rig back on deck and had the backstay on, laying along the deck. At that point the backstay was our H.F. radio aerial and, and that worked as the aerial. We were in the process of, of rigging the spare H.F. with aerial but didn't need to, we felt that the backstay laying on the deck was as good as anything. Further on it's got, They estimated their position, this is at the bottom of page 113, They estimated their position to be 10 nautical miles south, south-east of Gabo Island. That's not correct. We'd estimated our position to be 42 nautical miles south,

south-east of Gabo and in fact it was stated in our, in our report to the Cruising Yacht Club

Q20 Mmm.

A Moving on to page 115, The crew baled water from the boat but when half-full, well, it probably should read, half a metre of water, we were about knee deep in water at that point.

Q21 Yeah.

A We decided to leave that amount of water in, I'm not quite sure what half full means but it's, probably a more accurate description of that would be about half a metre or knee deep. It goes on to say at the bottom of that paragraph, It was now about, about 20.00 hours on the 20th of December, in fact it was 02.00 hours on the 28th of December, the time and the date are incorrect there. It goes on to say, In preparing to put the second life raft on deck in order to be fully prepared, it inflated accidentally halfway through the companionway. Well, as stated earlier that's just way out of context and not correct, the previous bit that I've said on this tape is correct. If we move on to page 127, Fatalities, Chronology of events leading up to the deaths, sorry, you've got Business Post Naiad there. The third, the third section down, At 17.49 is advised of Mayday from Business Post Naiad, message that Business Post Naiad had rolled over with major hull damage, position was, was attempting to steer 174 degrees magnetic. In fact, we were

attempting to steer 290 to 300 degrees magnetic. That's probably just a typographical error but we were, once we got the motor going we were attempting to head back to Gabo Island into the lee of land, what we thought was probably the safest course at that point. At 18.15, 18.15 hours they've got Business Post 43 miles from Disaster Bay. Not quite sure what that really means, that may have been our position. I think after, between the first roll, which was approximately 42 nautical miles south, south-east of Gabo, we were heading 200, 290 to 200 degrees magnetic trying to get in behind Gabo, our actual course over the ground however was more like 2 knots north, nearly due north. So I'm not sure what that means, I haven't had a chance to correlate that onto a map and check it. My understanding was in the hours of motoring, say, from around about 7 o'clock that night through to 11.00, to the second roll we'd probably only motored about 16 nautical miles towards, 16 to at the most 20 nautical miles back, back towards what we thought was the coast
- - -

Q22 Mmm.

A - - - but in fact was probably due north. I think the official records would probably show that. We move on to page 128, it's got, just some of the times are a little bit wrong. I actually know that the boat, that Bruce Guy died in my arms at 11 o'clock at night or 23.00 hours so I'd estimate that Business Post Naiad

actually, actually rolled the second time at 22.55 hours and that we were righted at about, just prior to or just on 23.00 hours and right at that point as the boat righted, that's when Bruce Guy had the heart attack and died in my arms before he had a chance to get on deck. So my interpretation of that is that, that, that perhaps Bruce Guy and Phil Skeggs died within a couple of minutes of each other.

Q23 Mmm.

A Phil by drowning while the boat was inverted and Bruce died as soon as the boat straightened itself back up again and had a massive heart, heart attack right at that point or - - -

Q24 Mmm.

A - - - what appeared to be a heart attack.

Q25 Mmm.

A So that's, they are the main ones that I can see in the report - - -

Q26 Right.

A - - - that I think are, are wrong.

Q27 O.K.

A If we move to the appendices, I must say I had a great deal of difficulty getting hold of the appendices. Peter Bush actually promised me a copy of the appendices on Naiad with the report, I prompted him on two occasions and I never actually got one. I rang the C.Y.C. to get one with the copies of the reports for the crew and was informed to get it off the internet.

On trying, on, all the crew or most crew have got access to the internet in one form or another and on trying to actually access it off the internet - - -

Q28 Mmm.

A - - - we just found that our computers crashed and just wouldn't print it. So it wasn't until we actually managed to get some off the investigating Detectives, Stuart and David, that we've managed to actually see it. So I've only had a week to, to view it.

Q29 Mmm.

A The piece on Business Post Naiad is, just a couple of anomalies there that I'm not happy with.

Q30 Yeah.

A I guess Appendix 19 on the second page about Business Post Naiad, It is believed the certificate, on the bottom of the second page or page 600 as it's marked on my copy, It is believed the certificate was lodged with the Cruising Yacht Club of Australia in mid December, 1998. I'm of the opinion that that was mid November but I, I can't prove it. It was my understanding that it was lodged about mid November.

Q31 Mmm.

A If we continue on to David Lyons' report. On his second page, halfway down, there's a paragraph there at the bottom of Section 3, I.M.S. stability of Business Post Naiad, it's got there, Both Mr Fisher and Mr Steve Walker, a crew member of the yacht in the race, upon learning of attachment 2's contents, which is the

latest I.M.S. certificate, brought to Mr Guy's attention the stability deficiency. They pointed out that it fell below the limit of acceptability for the race. Notwithstanding that, this, the yacht proceeded to compete in the race under this I.M.S. certificate. I'd like to point out that at no stage did I ever see the I.M.S. certificate, that being attachment 2, until March, 1999 when I became aware that there was a problem. At that point I was not aware that there was a problem. Basically, what transpired was in mid November, 1998 Bruce Guy rang to say that our entry had been accepted, he was happy that it had been accepted in quiet jubilation and quite, quite happy about it. I, I replied to him, No, that's good, or words to that effect, but then I said, Well, what about the stability? Is that O.K? And he said, Well, it must be, they've accepted our entry. I then said, Well, what is the stability? And he either said 104.7 or 105 and I said, Well, that, that means that that must be right for the race. And he said, Well, it must be, they've accepted our entry. And the words that, It must be, they've accepted our entry, are pretty stuck in my mind very clearly to that point. But I didn't, at that point I did not have a Notice of Race, I hadn't seen a Notice of Race since July and didn't see it again until March, 1999 to actually try and correlate the I.M.S. stability factor against the requirements for the race.

Q32 Mmm.

A I knew that it had been 115 back in 19, back in the 50th Sydney-Hobart when I've been involved in a boat then, but had not had the chance to, to check it since. So I accepted Bruce's word that - - -

Q33 Mmm.

A - - - that it must've been correct.

Q34 O.K. So are you actually quoted in this report as seeing the certificate?

A Well, it infers pretty strongly that I did actually see the certificate and that, that in fact is not the case.

Q35 Do you have any views or opinions as to why that would be typed in that manner if that's not what you said?

A Back in, back at the 20th of January David Lyons rang me and asked me to, he stated that he was inquiring on the C.Y.C's behalf into the stability factor, factors of yachts that were in the race.

Q36 Yeah.

A And obviously would be one that he'd be inquiring into. He didn't inform me that there was a problem with the stability.

Q37 All right.

A He asked me to go and, to go and check how much lead had come out of the boat. So I fully cooperated with that and faxed a letter back to him on the 20th of January, 1999. It's attached to the, the appendices and that's, that's correct.

Q38 Yeah.

A I, I did say to him that Bruce said the stability, I, I may have, I can't remember precisely but I may have related to him the conversation that transpired between Bruce and I in November, 1998 and that Bruce had said, Well, it must be right, the yacht's been accepted for the race.

Q39 Right.

A I don't think at any stage I ever said to him that I had actually viewed the certificate and in fact at that point, and it wasn't til March, 1999 that I actually did get to view the certificate.

Q40 Right. So it is the case that at no stage prior to March, '99 did you see an I.M.S. certificate relevant to the Business Post Naiad?

A I've no, at no stage did I see the current I.M.S. certificate, attachment 2 as in these appendices.

Q41 Right. O.K.

A I guess if we go over to page, into the conclusions that David Lyons's written in his report under Section 5, if you go down to number 5 of Section 5, whilst that's not incorrect it may leave people to the opinion that I actually had viewed the I.M.S. certificate when in fact I hadn't. And when I said, Mr Walker said he was told that the yacht's race, yacht's entry to the race was still accepted, well, that would refer to the telephone conversation that I had with Bruce and Bruce said to me, Well, it must be right - - -

Q42 Yeah.

A - - - the entry's been accepted.

Q43 Right.

A And so there may be a little bit of ambiguity there.

Q44 O.K. Have you had any, any interference so to speak in relation to the stability factors of the Naiad from any, anybody at all? Has anybody spoken to you about it apart from the police and David Lyons? Specifically about that?

A Not really.

Q45 All right. O.K.

A No.

Q46 That's fine. Dave?

SENIOR CONSTABLE UPSTON

Q47 When the boat raced prior to the Sydney to Hobart Yacht Race, it raced in a Melbourne to Stanley race.

A Yes.

Q48 And there, it entered into a division there as well, didn't it?

A I'm not, Bruce always handled the entry and that side of it so I think, I'm not sure which division he entered it in, but I, I was under the understanding it might have been either I.M.S. or A.M.S. The Victorian Ocean Racing Club have not been happy with the I.M.S. division and have tended to race their boats under Australian Measurement System or A.M.S. in recent years and certainly the previous Melbourne-Devonport and Melbourne-Hobart race that we've been in were raced under A.M.S. not I.M.S.

Q49 Mmm. And how did - - -

A So I'm not sure, I'm, not, not having handled that - -
-

Q50 Yeah.

A - - - I, I can't answer that positively.

Q51 O.K. Did that differ a great deal from the, from the Sydney to Hobart race that you were aware of, in particular with how Bruce handled the, the boat?

A No.

Q52 In, in its entry?

A No. Bruce, Bruce generally speaking handled all the entries and, and none of us ever cross-checked him.

Q53 Mmm.

A And in fact you'd have to say that that's a mistake now and in future if I'm ever involved with another boat I think it should be always be a management policy for boats to, to actually have someone cross-referencing that, that side of things.

Q54 Yeah.

A And I'll have to say now that that's, that's an oversight, two heads are usually better than one.

Q55 Yeah. Just going back to the lead that you, that you viewed at Mrs Guy's house.

A Yes.

Q56 Did you personally go down and, and count each ingot to weigh them?

A At David Lyons' request I personally went to Mrs Guy's place and asked Ros if she'd mind if I did that.

She was not aware that there was a stability problem at that time either and she cooperated fully and, and I went and measured it personally and had counted the bars personally and that would be right, that would be correct within 20 or 30 kilos I'd, I'd estimate.

Q57 Mmm.

A There were some bars that were of slightly different sizes so I just, there was probably some there that were twice as big so I had to sort of estimate those, but only a few, the majority of it were uniform bars.

DETECTIVE SENIOR CONSTABLE GRAY

Q58 Anything further you'd like to say?

A Not at this point, no.

Q59 O.K. Fine. The time by my watch now is 9.56am. This interview is concluded.

INTERVIEW CONCLUDED