

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stewart Gray and Mr Lewis Carter at the Cruising Yacht Club in Sydney on Wednesday, the 27th of January, 1999. The time by my watch is now 4.48pm. Also seated to my right is Senior Constable David Upston from the New South Wales Water Police. As I explained to you, Mr Carter, Senior Constable Upston and myself are making some inquiries in relation to the 1998 Sydney to Hobart Yacht Race. And over, over a period of a few months we've been tasked to speak to various people in relation to the race. And that's why we're speaking to you today. Firstly, for the record could you please just give me your full name?

A Yes, it's Lewis John Carter, L-E-W-I-S, John Carter.

Q2 And your date of birth?

A Is 26/3/38.

Q3 And your current address?

A Is 3/13 D-U-M-A-R-E-S-Q Road, Rose Bay, 2029, Sydney.

Q4 And your current occupation?

A I'm a self-employed buyer in the motor industry.

Q5 O.K. If we could just start by firstly, if you could just give us some background in relation to your sailing experience?

A M'mm. I originally started when I was in my early 20s, I purchased a yacht with the intention of sailing around the world with four other chaps, that I was in

the surf club in Surfers Paradise with. I actually came to Sydney and purchased a yacht and I sailed on that yacht with the others for perhaps a couple of years, and sailed as far as Hawaii and, where we sold the yacht and I returned to Sydney. I then sailed on various smaller yachts socially here in Sydney, and in 1972 became active with the Cruising Yacht Club of Australia and I was a, a navigator. I had taught, or have taught, or been taught navigation. So I took up navigating on, on various yachts from '72 on and in the, 10 years ago, about '88 I was asked to take over the role of radio operator on the, on the radio relay boat after the tragic, or sudden death of the chap Louis Thompson that originally did the work. I've stayed from then till now as the, as in charge of radio communications on the, well, this year was the Young Endeavour, under the role of Telstra control.

Q6 O.K. Now, your, when did you take up the position with the C, with radio relay, '88 was that?

A Yeah, '88.

Q7 O.K. Was there a similar set-up prior to '88 for radio relation?

A Yeah, yes, it was quite, yeah, pretty well the same. Different boats, there's been, I've been on three boats over that period of time - - -

Q8 Right.

A - - - the first year that I went down, I went down on a boat called Achilles which actually belonged to Keith

Williams who had Hamilton Island, went down on it that year, and then for the next three years I went down on a boat called Mia Mia which was owned by one of the members here, a Jeff Hammond.

Q9 Right.

A Which was a big steel trawler type yacht. And for the last five or six years I've been on the, Royal Australian Navy, Young Endeavour.

Q10 Right.

A Which was the gift from the British Government for our bicentenary in '88.

Q11 O.K. Can you tell me what the actual role of that ship is or what the role of the ship was for the 1998 Hobart?

A The role of the ship is not as, as such, they, they refer to it as a, as a mother ship but really our, our role is not to participate, it's not directly used as a tow vessel, it's, it is purely there for communication purposes.

Q12 Right.

A In the event of problems, obviously we, we can participate in, in rescue situations which we have over the, every year.

Q13 Yeah. O.K. What is the position of the vessel during the race, where's the best position for it?

A We, we tend to favour, being a, a slower vessel as well, we tend to obviously be back in, in the fleet and that's probably where we prefer to be because the, we

feel that probably most of the problems will come from the, from the smaller yachts in the fleet. So we probably would position ourself probably two thirds of the way back in the fleet.

Q14 O.K. And where was the actual positioning of the boat on this particular occasion, around the 26th, 27th, 28th?

A We were - - -

Q15 If you know, that's fine.

A Yeah, we were approximately south of Montague Island.

Q16 Righteo.

A Which, which is actually a fair bit further south than what we normally are at that time of the, of the race, each year we're, we're probably, Montague, I think's around 100, so we're probably 50, 60 miles further south than normal. And we, we contributed that to good following winds and we were, we estimated that we were in about 3 knots of, of the southerly current.

Q17 Right. Can you tell me how many boats were behind you, do you have an idea, or, do you know?

A I'd only be guessing, I think.

Q18 O.K, that's fine, that's fine. Now, I wonder if you could just sort of give me a, an explanation as to what type of radio equipment is on board the Young Endeavour for your purposes?

A Yes, we, we carry, for ourself, just as Telstra control the boat is split up into two, it's, the Young Endeavour which is the Royal Naval side of it, and

obviously for the, for the naval purposes they've got to have their own identity, the same as what we do, we operate on the vessel but under a, under Telstra control, so there's two separate entities on the, on the vessel. Vessel 1, which is say, the Young Endeavour, they carry a HF radio with all channels and, and also a VHF. They monitor channel 16 on VHF and they, they might have a 2182 on, on HF, it's a 24 hour. We as Telstra control, we're situated down below in the, the officers mess - - -

Q19 Yeah.

A - - - and we've got, we've got a HF facility and, and a, and a HF, a HF and a VHF facility, and we also monitor that 24 hours of the day.

Q20 Right.

A We've got myself and I've got two assistants, a Michael and Audrey Brown who have been with me since, since I started. And they, Michael does, he usually reads the weather and my capacity is calling the sked.

Q21 O.K. Could you just for the record, just tell me what VHF is, just basically?

A Yeah, VHF is a radio that's used for, it's more for line of sight so it's a, under, under good conditions it's probably capable of 60 or 70 miles. A HF is for a, for longer purposes, can be used worldwide with sufficient aerial strength.

Q22 Right. And a UHF?

A We don't carry UHF.

Q23 Sorry, you said a -?

A HF.

Q24 HF, yeah.

A Yeah, HF is the, is the long range, I suppose that's
the easy way to describe. VHF is for short range.

Q25 Yeah.

A And HF is for long range.

Q26 So they're, so for the layman they're two separate
radios?

A Yes, they are.

Q27 Right.

A They definitely are, they're separate radios and, and
they have different channels for, for communication
purposes.

Q28 Right. What's the channel that you work on sort of a
daily basis, in the race?

A The, the, the radio, the channel that we use for race
purposes only is a channel called, 4483.

Q29 Right.

A Which is devoted to, to us and other, other parties for
communication for the, for the race along with 6227.
In the event that we don't pick up people on 4483 we
can switch to, to another channel for better
communication purposes.

Q30 All right. O.K. Now, can you tell me are there, or
were there land bases, radio bases for you people all
the way down the coast, that you could relay to or -?

A As far as communication?

Q31 Yeah, as far as communications are concerned.

A Yeah, we've got, we've got access, particularly, moreso now that we're involved with Telstra as our sponsor, we've got probably direct access via Sydney radio, which is actually now based in Brisbane - - -

Q32 Right.

A - - - and we also have the facilities of the volunteer coastal patrols all down the coast and down into Victoria, and then after we go over, into the strait and further down onto the Tassie coast, we've got the coast guard down there. And we've got Melbourne radio, this, this year we had the services of the Sydney Water Police who followed us, they had a, they were, they followed us, part of the procedure was they were to follow us as far south as Eden - - -

Q33 Yeah.

A - - - so we were in contact with them at various times throughout the race.

Q34 Did you have cause to make any communications to any of those land bases during the race?

A Yes, extensively.

Q35 Right. And that was for what reason, various reasons, would you be able to sort of tell me - - -

A Probably when, when we started having problems, I mean, we don't, radio, radio something that you try and keep as clear as possible, 'cause you don't wanna block up, block up the channels. And it's quite important that we, that, we, as radio operators, we don't block the

channels up, so, we try and keep chatter down as, as, to a minimum. But certainly we have got the facility to speak to any of those, any of those coastal patrols and we did have occasion early in the race where the water police actually came to our assistance with, we had a HF radio that we had on board which we had problems with and via the Sydney Water Police and Wollongong Coastal Patrol we were able to successfully put a technician aboard the Nemesis which was a police vessel who brought the radio out to the Young Endeavour and they transferred the, the radio and the technician on board and stood by while we actually changed the radio over.

Q36 Right.

A They then took the technician back to Wollongong Coastal Patrol. That probably would have been executed about, it was just before, it was probably around 18.00 in the evening.

Q37 Apart from that radio problem did you experience any radio problems with equipment, so far as, on your side of things?

A No.

Q38 Right. O.K. I wonder if you can tell me or explain to me what the situation is with sheds?

A Skeds.

Q39 Yeah, skeds.

A Yeah, we have, we have two compulsory skeds a day and we have another sked that we have later in the evening

which we call a listening watch. It's a, starting with the skeds, we have a sked in the afternoon at 14.05.

Q40 Is that what you're after,?

A Yeah, I was just checking whether it was 14.05 or 15.05. Sorry, I just.

Q41 You're right.

A I don't suppose you've got the radio instructions there, I just wanna make sure I've got the times right.

SENIOR CONSTABLE UPSTON

Q42 No, I don't have a copy of the - - -

DETECTIVE SENIOR CONSTABLE GRAY

Q43 That's all right, you just have a guess at

A I think it's 14.05 we have asked in the afternoon.

Q44 Yeah.

A At that sked we call, we, we initially call for a, a tune in call so the, what the yachts do then, they tune up, we give them two minutes to tune up between, there's a, there's what they call a silence period which is observed by all yachts that aren't in distress or any vessels that aren't in distress for three minutes after the hour.

Q45 Right.

A So between let's say 13.00 and 13.03 there's to be no chatter by anyone and it makes it easier for communications for any, any vessels that may be in distress or want to pass on any information. So that through that period there's no chatter. We, at 14.03 come up with a tune in call so they tune in, we, we

speak, they tune their radios - - -

Q46 Yeah.

A - - - so that they can hear us correctly. At 14.05 we then start a sked. The start of the sked we, we have a specially prepared weather report, it's sent to us. We, we do the weather report and then we call all of the yachts that are in the race as per the, as per the, there's an order, there's a list, we do it in the alphabetical list. At the conclusion of calling them we then repeat that weather that we've, that we gave them earlier, prior and then we ask for traffic. Traffic comprises, any yachts can call in with any requests that, that they may have, any sighting, we also ask for sightings if, if some of the yachts don't come in on the sked, we, we ask was, were there any visual sightings of, of the particular yachts that didn't come in and that gives us an opportunity for, or the other yachts an opportunity to pass on that, yes, abeam of us, or two mile astern or, so, so we complete the sked, hopefully 100 per cent. We then have a non-compulsory sked which we call a listening watch which I would say, I'm not sure of the percentage but a high percentage of the yachts, for their benefit would listen in to because we also have another weather report at that time. And we, to sort of lighten the race a bit we might pass on some, usually that time of the year there's the, the test cricket so we pass on some cricket results and any idle chatter that we might

have. And probably I would pick maybe 10 or a dozen yachts at random, no set rule and call them and ask for their position, it's not compulsory at that stage.

Q47 Right.

A We then have a compulsory sked at 03.05 and the yachts, and we go through the same situation again. Weather, their position reports, weather and then traffic from, from the yachts to, to Telstra control.

Q48 All right. So what's a typical message that you would say to a yacht at the sked?

A We call the, say, Kialoa 3, I come up I just say, "Kialoa 3", and they'll reply, "Kialoa 3, 364915137", I'll say, "Kialoa", and I repeat that, whatever the message they've given me, their co-ordinates, and the name of the vessel, and then proceed immediately to the next yacht.

Q49 Right.

A In the event that they don't come up at the appointed, at the, on their schedule they then, I continue straight down the list and I call that vessel again, I've got a, I take a note of the vessels that haven't reported in, and I call them again at the conclusion of the sked.

Q50 Right. Now that six figure that you just mentioned, that's a longitude, latitude?

A That's a latitude and longitude.

Q51 Position?

A Yeah.

Q52 Right, O.K. And what's the situation if, if you go through the list, and I think in this case there was 123 yachts if I recall correctly, what's the situation if you go back again and you can't find a yacht, what's the procedure?

A If we can't get a, a yacht on, on that particular sked I then probably call them, I'd certainly call them again maybe two or three times on both channels.

Q53 M'mm.

A I would also call them on VHF in the event that they're fairly close and I might be able to pick 'em on VHF. If I don't do that I then address the fleet and ask the fleet whether any of the yachts have heard, they may, they may be in a closer vicinity than what I am, and they may have heard the, the missing yacht on either VHF or HF. In the event that they did they then call to, call me as Telstra control, I get them to identify who they are - - -

Q54 Yeah.

A - - - where they are and the, and the position of the yacht that's been, that hasn't reported in to me personally.

Q55 Right. Now, you said before that you set up in the officers' mess which was below decks - - -

A M'mm.

Q55 - - - of the Young Endeavour. Did you have much communication or, a lot to do with Neil Galletly the skipper of the Young Endeavour?

A Not really, no. They, they run their, they run their ship and I run the radio side of it.

Q56 O.K. Is he privy to your radio transmissions and what you receive from his position that you're aware of?

A Not that I, he's, either, either Neil himself, the commander or one of the party there are probably I'd say interested in, in, moreso they pass it on, we take down there's 18 trainee, you know, non naval people, and they keep the, they keep these youth crew interested in the result. How the yachts are going and we try and, we have a bit of a bet on board as to who's gunna win and all that sort of thing.

Q57 Right.

A So they're fairly conversant with what's going on down below.

Q58 So with the situation with dire straits becomes, or you become aware of that sort of situation obviously someone's despatched to Neil, the skipper, and he's informed of the situation and you all meet and discuss what, what's going to happen. Is that the normal procedure?

A Only, only probably if, if they're personally involved and I wanna get them involved.

Q59 Right. O.K.

A Otherwise we're fairly self-sufficient. Certainly I would tell Neil of, or the commander or whoever's the watch captain - - -

Q60 Yeah.

A - - - I'd certainly keep them informed as, that there are problems.

Q61 Mm.

A And we might, we'd possibly get them to, we'd probably also get them to listen in on the, on the sked, and on the channel that we're listening to.

Q62 O.K. Now, what, you said there was two other people that were sort of in your area?

A Mm.

Q63 What sort of shift do you run between the three of you?

A We, we start out with a, with a watch system where we, we man the radios 24 hours of the day. We usually start out with a two, two on and four off. But in the, at sked times, at the appointed sked times there's three, I make sure that there's the three of us there, because it's, it's another two ears for a start and also I like to, at the same time I'm taking the positionary reports I like to, I like to have someone alongside me also that's also pencilling.

Q64 Right.

A Which I get Audrey Brown, she pencils and I, I pencil and we, we just double check ourself as to positions.

Q65 Right. Now, can you tell me during the whole race that you're involved in, were there any problems that you noticed between communications with yourself and other boats?

A Well, obviously the, the further we get away from each other as the yachts part, they get further south, there

are yachts that you don't get as good a communication as, and particularly as the weather worsens, you certainly, you know, you can always have problems.

Q66 So that's an expected thing?

A Yeah, it is expected, yeah. It is expected.

Q67 So how much, how much does the weather play so far as radio transmissions and receiving are concerned?

A It doesn't appear to make a hell of a difference.

Q68 Right.

A Even in the, this year when we did have bad conditions when, at the, at the height of it all so to speak, we were still hearing quite well and we had Sydney radio establishing that, yes, they were hearing us quite well. I was also hearing Penta Comsat which is located up in the Gosford area, which at that stage would have been a reach of 200, 250 miles further north, so I was hearing him, 'cause they were trying also to conduct a, a sked for the Coffs Harbour race.

Q69 Right.

A The, one of the yachts at that stage that was further south, the Brindabella which was a fair way down into Bass Strait, we, we had trouble hearing him but it turns out that he had, he had radio trouble and actually had to, I think he renewed his radio in, in Hobart.

Q70 Right. O.K, now, when you are logging these things or, are you logging them on rough bits of paper?

A That's right.

Q71 I'll show you a set of documents here, which are titled, "Telstra control working rough notes for master radio log". Just a bundle of documents here, there's a, a little notebook here, it says, writing, bit of coffee on it, and there's some other A4 pieces of paper, A3, A4 bits of paper with rough writing. Could you have a look at those?

A Mm. Yeah, that's right, that's

Q72 That's basically the running log - - -

A That's right.

Q72 - - - so far as on, you, either one of you or two of you or three of you in fact writing on bits of paper and then, is it the case that at the end of the night or the end of the shift that you then go through that, go through those rough notes and then put it into a logical sequence in a log book, an official log book?

A Fairly right, yes, we try and, we probably do it, given time, it's probably transferred, these, these are actually the, the, the notes, they're not from the sked, what we have, we have separate sked reports which - - -

Q73 I'll show you this which is Telstra control skeds. Would that be the sort of thing that you're referring to?

A That's it, yeah, yeah.

Q74 O.K. Now that document there, that's filled up, filled out as you go along. Is that correct or -?

A No, that's filled out as, as the yachts, when I'm doing

the sked at that point in time, which in this case is the 26th of the 12th, '98 at 20.05 hours - - -

Q75 Yeah.

A - - - and I'm looking at Tenacious and that is the position that he reported - - -

Q76 To you?

A - - - as, to me at 20.05 where he was at 20.00 hours.

Q77 O.K.

A And if you go down the list, the next one that I'm looking at is, is Terra Firma - - -

Q78 Yeah.

A - - - and he reported that at 20.00 on the 26th of the 12th, he was at 351115059.

Q79 Right.

A That is, they are separate to the, what I'm holding in my hand now which are papers that, they're, they're notepads that we, that we've got in front of us all the time.

Q80 Right.

A After the completion of the skeds and they, excuse me, they refer to any yacht that radios in for any other reason, the, we take a note of the time and the date, the, what the vessel is and the, and the message. In this case it was from Pippin which at 16.23 and Pippin reports he was at 374715026 and that a yacht has rolled over and lost the mast, 200 to 300 metres astern. And after that it's got Solo Globe, Challenger, Eden in company with.

Q81 Right. So that's a rough note, that's rough note?

A That's a rough note, that's right.

Q82 Now, the other thing that you have in your lap here

- - -

A Yeah.

Q82 - - - which is titled the "The Sydney to Hobart Radio Log".

A Yes.

Q83 When is this completed?

A Given the time that would probably be transferred from that within, I would say within a couple of hours

- - -

Q84 Right.

A - - - would be maximum.

Q85 O.K. And who puts that into the book?

A That's Audrey Brown, that's

Q86 Right, that's her role.

A That's her role.

Q87 O.K.

A That's her role.

Q88 Now, for no other reason I'll just ask you why are things done in pencil?

A I think it's a navigational - - -

Q89 O.K.

A - - - it's like on charts.

Q90 Right.

A That, you, you always, you always, I don't think

there's any, there's no, no great reason why -

Q91 O.K. That's fine, I just - - -

A Yeah, no, I, it certainly is a navigational thing with charts, you always, and it's probably for the cost factor, that you can rub it out and start new tracks. Why we do it on the, the radio log I'm, is, I don't, I can't think of any known reason anyhow.

Q92 O.K. Now, you also, on board the Young Endeavour in your particular area, the radio transmissions and everything that's received is recorded. Is that correct?

A Yeah, that's right.

Q93 And is that done from a, a built-in tape deck?

A No, no, it's a portable tape deck that, I'm sorry, earlier in the piece you asked me did we have any other problems, we did have a, we did ask for, and something I'd certainly like for future purposes is a, is a 24 hour type recorder along with tapes that, that do take the, the tape for the duration of the, of the whole of the race actually.

Q94 All right. Why's that?

A I just think it's good, we, a lot of this is done not only for safety reasons but it's done for the competitors in the event that they, if they seek what they call redress, if they wish to claim time throughout the race for any reason, be it to go to the assistance of another yacht. They're, what they should do is to report in to the Telstra control, which is

ourselves, and they, they give us the, their, the time, their position, the reason why they're, what's happening, that they're perhaps going to the, they may have sighted a flare and they may be heading in the direction of a flare to see if there were any problems.

Q95 Yeah.

A At the conclusion of that they then also radio in with their report with their position.

Q96 Yeah.

A And they then continue racing at the, in Hobart there is a, a jury that decide on a time factor that they may be seeking, that they call redress, they may be seeking to, that can be shaved off the, their elapsed time throughout the race.

Q97 Right. O.K. Now, we have those tapes, I'll just show you these, these tapes, just so you can

A Unfortunately we did do that, that is a problem we do have.

Q98 That's all right.

A The tapes were brought weren't, we didn't have a 24 hour tape, we didn't have the full facilities that, that we would have liked.

Q99 Right. I'll just show you these tapes and they're marked tapes 1 to 5 in this particular batch.

A Yeah.

Q100 And 6 to 10 in the other batch.

A Yeah.

Q101 Now, do you recognise those tapes?

A Yeah, I do.

Q102 And those are the tapes in fact that were used - - -

A That's correct.

Q102 - - - during the race, O.K. Have you had the opportunity of listening to any of these tapes?

A No.

Q103 Has anyone checked the clarity from your point of view - - -

A No, no.

Q103 - - - as to - - -

A No.

Q104 O.K. So, the actual recording of these, is there a tape device which is plugged into the radio thing or is it just - - -

A No, it's - - -

Q104 - - - radio to tape?

A Radio to tape.

Q105 Just like there's air between the - - -

A Exactly.

Q106 All right. O.K.

A It's only a small portable type facility that Michael or hopefully turns on and we record the things that we would like to record.

Q107 Do, do you in your position and your position is a very, very important position, do you feel that's satisfactory?

A No.

Q108 All right. I can understand that. O.K. Now, that's

something that you'd like to comment on, you know?

A Yeah.

Q109 Now, did you recall, I'll give you the, again have a look at your notes. Did you recall a Mayday from the Sword of Orion on any occasion, you can recall?

A Sword of Orion were actually just about the sked time on the, the afternoon sked on the 27th, about that time just prior to the commencement of the sked, it was, it was Sword of Orion that alerted me - - -

Q110 Yeah.

A - - - to the, the additional wind strength that they were actually recording as opposed to the wind strengths that I was in.

Q111 Right.

A Sword of Orion reported to me that they, they reported their position and that they were experiencing winds in excess of 70 knots and I think 78 knots was mentioned. They, that was confirmed by another yacht, I think it was Yendys.

Q112 Yeah.

A That was further north, further north and east, and they confirmed that the winds that they were getting were very similar to what we were getting from Sword of Orion or Sword of Orion had reported.

Q113 Right.

A It was that, at that, around about that time that I decided to alert the fleet and to actually pass on a, an instruction that we have written into the radio

instructions as to the severity of the winds that they were to experience down the track for the, and that I wanted all skippers to be aware that it was wholly and solely up to them to make sure that the, the boats were sufficiently seaworthy, not too many people on board that were seasick, that their motors were operative, and, because whatever they were experiencing probably at that stage would get worse at a latter stage. And certainly not to worry about pulling out of the race because there's always a Hobart next year.

Q114 Yeah. Did you get many responses from that if you can recall it?

A I probably didn't get so many over the radio at the time, I've certain, since getting back onto dry land I've, I've certainly spoken to numerous people that certainly after me broadcasting the thoughts of Sword of Orion and Yendys as to the wind strengths and that, that it was the sole responsibility of the skipper whether or not, but yes, there were quite a lot of yachts that then decided to, to either retire or to, to seek shelter with a view to continuing the race when the weather abated.

Q115 Right. Now, if they take shelter do they get the time re-credited, like the shelter time, is that re-credited to them?

A No.

Q116 Right.

A No, it's not.

Q117 O.K. Now, did you hear anything, obviously that was before the Sword of Orion came to difficulties itself?

A That's right.

Q118 Do you remember any, when that happened or what the conversation was between yourself if in fact you did make contact with them?

A With Sword of Orion?

Q119 With Sword of Orion and their problems.

A I'm sorry, I was just looking at the - - -

Q120 No, you're right, that's fine, please.

A I can't recall actually speaking to, I think probably then Sword of Orion, 27th, I don't personally remember talking to Sword of Orion after that.

Q121 O.K. Do you recall anybody else speaking with them or did you recall a Mayday being sent by that vessel?

A See the, the last, the last actual recorded thing that I can see here, which is in the radio log was at 16.44 on the 27/12/98, Sword of Orion advised us that he was at 381815017, that he was heading for Eden and he was steering 190 to 200 at 5, at 5 knots but not retiring.

Q122 O.K. So as far as you're concerned with that message everything was A.O.K. with the Sword?

A No, on, on reading this I find that, I advised the, I advised the fleet at 16.55, which was 11 minutes after I had had contact with Sword of Orion, I advised the fleet of the skipper's responsibility in continuing racing.

Q123 Right.

A So, I'm assuming that Sword of Orion at that stage had already retired and it was probably after that period that Sword of Orion got into the difficulty.

Q124 Right. So is it fair to say that, that you never had any further contact with Sword of Orion after that?

A I'd say that'd be right.

Q125 O.K. Did you become aware at some stage that Sword of Orion had, had difficulties?

A Yes, I was.

Q126 And how, how did that come about?

A Probably through another yacht, Yendys that was actually helping in the relay of communications for me.

Q127 O.K.

A And Yendys was the yacht that I feel was in the vicinity of Sword of Orion.

Q128 O.K.

A And had also reported of the adverse wind conditions that they were experiencing.

Q129 Right. O.K. Now, so far as the Business Post Naiad, did you have any communications with the Business Post Naiad?

A Yes, I did.

Q130 Could you, would you like to explain those to me?

A Yeah. I think that the, that the first occasion that I had with Business Post Naiad - - -

Q131 I'll just stop you for a second. The time is 6.30. This interview is suspended for the purpose of changing tapes.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q132 The time is 6.33. Now, this interview between Carter and Gray continued. Mr Carter, can we just take you back to the Yendys and Sword of Orion. Was it the situation that anything that you sent to Yendys or Yendys sent back to you, was that logged?

A Yes, it was.

Q133 O.K. Now - - -

A We do make a point of anything at all - - -

Q134 Yeah.

A - - - that any, any information that comes to us via the radio, no matter how trivial we think at the time - - -

Q135 Yeah.

A - - - but it is, it certainly is logged.

Q136 Right.

A It's logged on our, on our rough log - - -

Q137 Yeah.

A - - - and then at a later stage it is transferred to the, to the ship's radio log.

Q138 O.K. Now, I think we were just up to the Business Post Naiad before the change of tapes. I think we were discussing a call from the, or did you hear from the Business Post Naiad, at any stage on the evening of the 27th, afternoon, evening?

A Yeah. We, I note from the, the radio log - - -

Q139 Yes.

A - - - that on sheet number 17, the date is the 27/12/98, and the time is 17.49, that Yendys advised they heard a Mayday from Business Post Naiad. Yendys' position at that time was 382915030 and the message was that Business Post Naiad had rolled over, have major hull damage and they were steering, attempting to steer 174 degrees and they had activated the EPIRB.

Q140 O.K. Now, what was your response to that?

A My response, on the same date on sheet number 18, the Business Post Naiad, at 18.15 hours advised us that they were, we were on stand-by, obviously throughout that period.

Q141 What does stand-by mean exactly?

A Stand-by is, that we were standing by on the radio.

Q142 Right, O.K.

A That we weren't, you know, standing by bodily, so in that period of time the Business Post Naiad had reported into us that they were 43 miles from Disaster Bay and that they were at 380315032 and at that stage they were steering 300, approximately 5.4 knots.

Q143 O.K. And how much longer did the communications continue between yourself and Naiad then?

A Business Post Naiad, obviously we were having problems with them.

Q144 With Naiad?

A With Naiad.

Q145 Yeah.

A Direct. And because I had another report on sheet number 19, the same date at 19.15 hours, and this was via Yendys - - -

Q146 Yeah.

A - - - that Business Post was at 375915031 and they were steering 299 at 6 knots.

Q147 O.K. Now, I notice in the log there, there's a mention there of some red flares, 10 sighted. Are you able to tell me if that's relative to Naiad?

A I'd say no. They would, they shouldn't, well, they shouldn't have then ignited red flares which is a sort of a Mayday situation, it's the last resort, so to speak, when they had advised me that the, the, what you're referring to is a notation in the radio log at 19.20 hours, by Margaret Rintoul of flares, but the, the other report that I gave you was at 19.15, so that's only five minutes' duration and the, the positions, the two positions are, there's a, there's a fair difference in, in, in the positions of the two where the flares were sighted.

Q148 O.K.

A So, I, I would not assume that the, the flares and the Business Post Naiad would be related.

Q149 Related. O.K. So, you were under, that particular message there, which relates to, to flares - - -

A Yes.

Q149 - - - that's come from Margaret Rintoul?

A That's coming from Margaret Rintoul at 19.00, at 19.20

hours.

Q150 Right. So, is that indicating Margaret Rintoul is, has set 10 flares or she's seen some - - -

A She, she sighted flares at 18.45 hours.

Q151 O.K. Now, what was the - - -

A Which also is prior to the Business Post Naiad report.

Q152 Right. Now, what was, were there any further communications between yourself and Business Post after that time?

A We noted on sheet number 20 that we lost communication with Business Post Naiad at 20.47 hours.

Q153 O.K. Now, you say you lost communication, does that mean you lost communication yourself, that's the radio relay ship to Business Post or a some other boat?

A No. We lost contact with them ourself, we, we obviously going on the, on the prior reports - - -

Q154 Yeah.

A - - - we were getting direct contact with them.

Q155 All right.

A We were also getting contact with them via Yendys.

Q156 Right. O.K.

A And I do note at a little latter stage that we did regain contact with them again via Yendys.

Q157 Right. Did, was there ever a Mayday call sent to you via Yendys in relation to the Business Post?

A Not that I'm aware of.

Q158 O.K. I've been informed that, sorry, are you right?

A Yeah. I was just, I was just reading comments at 19.58 on sheet 20, the same date, and this is Business Post via Yendys - - -

Q159 Yeah.

A - - - that three crew were overboard.

Q160 Yes.

A Shock and exposure.

Q161 Yeah.

A And that was also reported via Tilting at Windmills, which is another yacht in the race, and they were at, they were at, they were trying to steer 295, still 5 knots and they were at 375615031.

Q162 O.K. So, as far as you're aware there was no Mayday dispatched from the Naiad, that you heard?

A That I heard, no.

Q163 Right. That situation there that you just explained to me with the three injured people and what sort of a situation is that at sea, as far as you're concerned, from your experience?

A Um -

Q164 From what you know, from the facts that you have?

A It certainly, providing they're still able to maintain a course and speed to, towards a chosen destination, it probably would suggest to me that it's a Pan Pan situation - - -

Q165 Right.

A - - - as opposed to a Mayday.

Q166 Right. O.K. Now, at the same time that communications

were being conducted between Naiad, Yendys, was there a situation that developed with Team Jaguar?

A Um -

Q167 I believe they, I believe they were dismayed at some stage.

A Yes. We've, we've got a, I see that the first, what appears to me to be the, the first, Team Jaguar must have been happening throughout this period.

Q168 O.K.

A 'Cause the, the first -

Q169 So, is it fair to say that there was sort of Naiad, Yendys, and, and Team jaguar all sort of passing messages and messages being passed?

A Yeah. Well, Team Jaguar was more another situation where they were in distress.

Q170 O.K. And what was that situation, are you aware of that?

A The Team Jaguar reported that they'd, they'd been rolled.

Q171 Yeah.

A And they had done structural damage.

Q172 Yeah.

A That the motor was inoperative.

Q173 Yeah.

A And they, they had trouble with their GPS.

Q174 Yeah.

A And we did the, the, the, they didn't give us a, no. At that stage they didn't report that they had any

trouble with the, with their GPS.

Q175 All right.

A And they did give us a, a, the co-ordinates of latitude and longitude of their position.

Q176 O.K.

A Around about this period - - -

Q177 Yeah.

A - - - that position was relayed to me that they felt that it was incorrect by ABC chopper.

Q178 Right.

A They actually rang me - - -

Q179 This is Jaguar?

A Yeah. This, this is Team Jaguar, sorry At 16.00 on, on sheet 15 of the radio log, at 16.00, Team Jaguar advised that they were dismayed.

Q180 Yeah.

A That they had a rope around the prop.

Q181 Yeah.

A That the crew were O.K.

Q182 Yeah.

A But they were seeking assistance.

Q183 Right.

A And we, they requested assistance and I have a notation here of a, a mobile number 0412450701.

Q184 Yeah.

A I contacted, then at 16.30 - - -

Q185 Yeah.

A - - - I have another notation that Team Jaguar were at,

still sheet 15, that Team Jaguar were at 375015020, and that they were heading north. Though I got that report via Sword of Orion.

Q186 Right.

A The, the next notation I have of, of Team Jaguar, I, I contacted Eden Coastal Patrol.

Q187 Yeah.

A And advised, advised Eden Coastal Patrol of their predicament that I felt that there was a bit of panic on, personally, on Team Jaguar.

Q188 Right.

A They, they, they appeared to me to be certainly concerned about the evening approaching, bearing in mind, I wasn't out in, you know, where they were, they're, you know, where they were.

Q189 Yeah.

A But, I made contact with Eden Coastal Patrol with the, the view of getting, seeking assistance for them via a tow.

Q190 right.

A And Eden Coastal Patrol advised me that they, that there was a trawler that was, that would be able to go to their assistance. I then advised Team Jaguar that it, that it would be a commercial type venture, I thought.

Q191 Yeah. Yeah.

A And were they, were they happy to pick up the, and they advised me fairly immediately, yes, they would.

Q192 Right.

A I then advised Eden Coastal Patrol of the situation and I see a notation here that at 18.10, that the, the trawler, Moira Elizabeth was proceeding towards them at 6 knots with an ETA of 4 hours and they were mobile as well, the Moira Elizabeth on 018529073. They were having trouble with their HF facility.

Q193 That's Team Jaguar or - - -

A This is Moira Elizabeth.

Q194 Right.

A And I did have trouble picking them up on the race frequency, 4483. But I was contacting them on VHF 16.

Q195 Right.

A Which is the distress frequency.

Q196 O.K. Now, when you say somebody rang you from Team Jaguar, or you rang them?

A They rang me.

Q197 Right. And there was one occasion of a phone call?

A No. Quite a lot, they were - - -

Q198 Quite a lot?

A Yeah. They were in touch with me quite a lot, Team Jaguar.

Q199 So, was that a better way to communicate rather than tying up the radio? As far as you're concerned?

A It, it, on the, on the mobile?

Q200 Yes.

A I think it's another means of, yeah.

Q201 Yeah.

A I think it's a good idea if, providing you've got the contact - - -

Q202 Contact.

A - - - yeah, I think it's a good idea.

Q203 O.K. I've, I've been informed that there was a fair bit of conversation between Team Jaguar and Young Endeavour during that period of their problems and arrangements being made to tow them. Are you able to comment on that? Do you recall any, any unnecessary radio communications between Team Jaguar and your, your vessel?

A Yes. I do. I feel that, yes, there was.

Q204 Right.

A But, the, the problems were that we've discovered or it was discovered that the, the positioning that Team Jaguar thought he was in - - -

Q205 Yeah.

A - - - was proven to be incorrect. And the Moira Elizabeth, which was in proceeding towards the, the chosen position that I had given him.

Q206 Yeah.

A - - - the Moira Elizabeth couldn't find him.

Q207 Yeah.

A And in actual fact was trudging around the, around the ocean looking for him.

Q208 Yeah.

A I did hear via the ABC chopper that, that the position that Team Jaguar gave, they relayed, relayed back to me

and it, it worked out a positioning of about 16 miles different, certainly in, in latitude, and I, I have got it here, and, and their longitude was out as well.

Q209 Right.

A And I remember distinctly asking the, the ABC chopper if that was, that was definite the position, he said, "Yeah", he said, "I actually was over Team Jaguar and took a notation of the, of the co-ordinates at that time".

Q210 Right.

A And hence the, I then relayed that information through to Team Jaguar.

Q211 Yeah.

A And Team Jaguar then alerted me that they had lost their major GPS and that they had activated the hand-held GPS.

Q212 Right.

A In their case obviously they weren't getting good satellite fixes.

Q213 Yeah.

A And the position and, that they gave me appeared always to be incorrect.

Q214 Yeah. Are you aware of what made up that crew on Team Jaguar? What people?

A At the time I didn't, I didn't look. I -

Q215 Have you become aware since?

A Not really, no. I don't think - - -

Q216 If I was to tell you that there were a couple of

directors from Telstra, a director from the CYCA, would that surprise you?

A It wouldn't surprise me, no.

Q217 O.K. Were there, were there any time that you were in communique with Team Jaguar, that demands were placed upon you to do certain things?

A No. Certainly not.

Q218 O.K. Were at any stage were you informed that they were to take priority in any, with any problems that they had?

A No.

Q219 All right. O.K.

A No. Certainly not.

Q220 O.K.

A There was no, no suggestions at any stage - - -

Q221 All right. I'm just putting something to you - - -

A Yes. No.

Q221 - - - which - - -

A By all means.

Q221 - - - I've been told about, that's all.

A I, I just, I felt myself personally - - -

Q222 Yeah.

A - - - there appeared to me and that to my compatriots that Team Jaguar, I, I, I sensed a little bit of apprehension on board.

Q223 Yeah.

A And they certainly, as I say, they, they did appear, they were quite concerned with the, the ability of the

yacht to continue throughout the evening in the seaway that they were in.

Q224 Right.

A So, they were, I can remember how quickly they picked up the, to pick up the Moira Elizabeth, there was no suggestion at any stage of, of cost or anything like that.

Q225 Yeah.

A To me, anyhow.

Q226 Yeah.

A Or to Coast, Coastal Patrol, Eden.

Q227 Yeah. Are you aware of the distance between yourself and the Team Jaguar when this was all happening, approximately?

A I did, I didn't, I haven't got where I am, I haven't got a chart that I actually, I put it down in front of me.

Q228 Yeah.

A You, you're sort of too busy at that, at that time to, to put everything down on the charts - - -

Q229 Certainly.

A - - - so that you can look at, you know, where other yachts are. Because a lot of the Mayday situation I hand over to ANSAR, that are listening in to, you know, my conversations throughout the duration.

Q230 Yeah. Did you receive a Pan call or a Mayday or a Securite from Team Jaguar at any stage?

A No. I, looking at the, at the first notation, there's

no mention of a Mayday.

Q231 Right.

A But they, they were, they were just dismasted, they had a rope around the prop, and they were seeking, they were requesting assistance for a tow.

Q232 Right. I've been informed, basically, that they were fairly uncomfortable, but not really in any dire straits. Would that be the consensus that - - -

A I, I - - -

Q232 - - - from, from your experience and the way you were - - -

A Yes. I, I'd go along with that.

Q233 Right, O.K. Now, eventually Team Jaguar hooked up with the Moira Elizabeth, as far as you're aware?

A That's correct, yeah.

Q234 O.K. Was there a situation that the, either the Josephine Jean, which was another trawler which was dispatched to assist, did you recall that at all?

A No. Never.

Q235 O.K. Well, I'm aware of it, of a trawler, a second trawler, by the name of Josephine Jean, which was dispatched from Eden as well. Was at any stage that the, the Moira Elizabeth got very close to the Team, to the Endeavour, the Young Endeavour that you're aware of?

A Yeah. Yeah. My word.

Q236 Tried to hook up on a couple of occasions or similar?

A It certain, it's exactly, the Moira Elizabeth I spoke

to on numerous occasions - - -

Q237 Yeah.

A - - - on account of not being able to find Team Jaguar, and I actually at one stage suggested to Moira Elizabeth that well, we can't find him, what else do we do, you know, do you, should you return to base, and the Moira Elizabeth, in typical Aussie fisherman type lingo, passed onto me that, that they were out there anyhow so they might as well stay out there for the night and they'll have another look in the morning.

Q238 Right.

A At a latter stage throughout the night the, the, the youth crew on board and the Naval command, or the Moira Elizabeth earlier in the piece had requested from me a description of Team Jaguar, which I passed onto them.

Q239 Right.

A And that it was a dismasted yacht about 60 foot long, and not, not under motor.

Q240 Yeah.

A The Moira Elizabeth were via radar had actually had us and perhaps Team Jaguar as well, but certainly us, and at one stage the, the officer of the watch at the time came, came downstairs to alert me that there was a, a very large trawler was within a very short distance from the Young Endeavour and was I aware of it. I told them that I wasn't aware of any, there was nothing that I knew of that was going on. I then asked Moira Elizabeth where they were and they advised me of their

co-ordinates, I already had ours and I then advised Moira Elizabeth that the vessel that they were trying to throw a line to was in actual fact the Young Endeavour. And the, the Moira Elizabeth skipper came back to me and said that, he said, "I thought it was a bit strange", he said, "You advised me that the, the Team Jaguar was a single masted, but had been dismasted so there was no sails up and that the motor was inoperative", and he said, "I'm alongside a boat that appears to be twice as long, two masts, sails up and certainly motoring". So, I then advised him that the boat that they were trying to lasso was in actual fact the Young Endeavour. Which put a spanner in the works and so he, the skipper of the Moira Elizabeth, I distinctly remember saying, "Well, where the effin' hell is this bloody Team Jaguar?". So, we then asked Team Jaguar to, from memory, and I don't think I've logged it here, but I think from memory the, to ignite a white flare, and the, the Moira Elizabeth also had a radar contact with another vessel that, that was in our vicinity. It then left our company and proceeded to the, to the other vessel which turned out to be the Team Jaguar.

Q241 Yeah.

A And then proceeded to throw a line to them and take them in tow.

Q242 All right.

A I, after that, as soon as the, everything was seaworthy

and they were under way, I made a limited talk with, with both the Team Jaguar and the Moira Elizabeth.

Q243 Right.

A And that it proceeded into Eden and I think at a latter stage I was advised as our safety instructions that the Moira Elizabeth and the Team Jaguar had actually got into Eden safely.

Q244 O.K. Now, so far as Winston Churchill's concerned. Did you receive any messages in relation to their Mayday at any stage?

A Yeah. The, the Mayday for the Winston Churchill was received on the bridge of the Young Endeavour on VHF16, 'cause the skipper came down and advised, advised me that they had a Mayday from Winston Churchill.

Q245 Yeah.

A On VHF16, and that they reported a position, not coordinates, they reported a, what I'm assuming would be a DR position.

Q246 Would you explain the DR position?

A All right. A DR position is where is DR stands for dead reckoning, and it's a position that you make, that you assume you're in from a position that you may have been earlier in the, in the, earlier in the day.

Q247 Right.

A And the, it, it's not, it's not an accurate position, and it's, it is a lot harder to, in the event of a rescue situation it, it certainly makes it harder for any vessel to make direct and easier contact with. I

think from memory they, they said that they were approximately 20 miles south-east of Twofold Bay.

Q248 All right.

A But that was only relayed to me via the bridge of the Young Endeavour.

Q249 O.K. Were you aware of the situation where there was some confusion as to the actual position of the Winston Churchill?

A Yes. I am.

Q250 Can you explain that to me?

A The, we, we were in that vicinity and it was, from memory, 14, it was certainly in daylight hours. We were in, we were in the vicinity of the, the DR position as relayed via, via Winston Churchill.

Q251 Yeah.

A And the, the skipper of the Young Endeavour started a, started to proceed towards that position that they gave.

Q252 Yes.

A And we probably from memory, were, had got to about an hour of steaming, so we thought that they were maybe 8 to 10 miles away from us.

Q253 Yeah.

A And we were then told via, by one of the helicopters that the, of a position which was not the position that they, they relayed to us a position of the Young Endeavour, of the - - -

Q254 Winston.

A - - - Winston Churchill.

Q255 Yeah.

A Which was different to the position that had been relayed to us via Winston Churchill.

Q256 To what extent in difference?

A Quite a, it, it, it was quite a vast difference. We, we heard the Mayday from Winston Churchill at 17.21, on the, the evening of the 27th.

Q257 Yeah.

A And the, the Young Endeavour's log, I haven't got it here because they conducted that side of it.

Q258 Yeah.

A But they, they would be aware of the, of the Mayday situation and they would have had that matter in hand. They, they did alert me that, that they felt that the, that the position that we were originally going to was the correct position as opposed to the, the position that we were then redirected to, and they felt that there was confusion of the, the chopper seeing. The chopper obviously saw another yacht that was having problems, but it wasn't the Winston Churchill.

Q259 And, what, you can conclude that, can you, I mean, can you - - -

A Certainly it was the conclusion of the commander of the Young Endeavour.

Q260 Yeah. What were your thoughts on that so far as - - -

A I felt the same.

Q261 You felt the same?

A Yeah. I felt there was confusion.

Q262 Yeah.

A And it, it always unfortunately can happen when you're getting this, quite a lot of distress calls - - -

Q263 Yeah.

A - - - all at the same time, within a, maybe an hour's duration, you're getting numbers of calls, be it flares or yachts in distress, and it's quite important at that time to make sure that no panic starts to creep into the, into the fleet and your transmissions.

Q264 Are you aware of what aircraft that was that transmitted that to you people?

A I was advised that it was a helicopter.

Q265 Are you aware of

A helicopter. I don't think it was the ABC chopper, no.

Q266 Military, do you think?

A I, I, I think - - -

Q267 That's fine.

A - - - I'd only be guessing.

Q268 That's fine.

A I, I would, I would think that the Young Endeavour would have that information.

Q269 Yes. Yeah. Most certainly. And obviously the Young Endeavour then proceeded to that new location?

A That's right. We, we then changed our, actually the, the position that we were originally heading towards was a lot more comfortable on the boat than the new

position that we were redirected to. And I can remember the, the boat instead of being reasonably comfortable under the conditions, the new chosen course, the Young Endeavour became quite uncomfortable.

Q270 So, there was some anguish between the - - -

A well - - -

Q270 - - - members on board, there was some discomfort there or -?

A Probably not the, not the Naval persons or ourselves, it was, I don't think you sort of think of it at the time.

Q271 Yeah.

A Maybe with the youth crew, they were probably happier going to the original position as opposed to the new one that we were elected to go to.

Q272 Yeah. O.K. And then upon your arrival to that position, was there any transmissions or any, from - - -

A We were, at that stage we would have been in contact with, we, we would have been, the Young Endeavour I'm talking about now.

Q273 Yeah.

A Would have been under the jurisdiction of ANSAR and they would have requested and told us the search pattern that they wanted the Young Endeavour to follow.

Q274 Right.

A And being under their jurisdiction is also on a time frame too, they go, you know, we could, we could still

be there so to speak.

Q275 What control do you have as sort of representing the CYCA in that situation that the ship's redirected to another point?

A I've got no jurisdiction over the Young Endeavour at all.

Q276 Right. Do you have any other input other than sort of commonsense input or discussing it with the - - -

A Yeah. The, the, I've got no official - - -

Q277 Yeah.

A - - - obviously with being an able vessel we - - -

Q278 Yes.

A - - - the captain's got full command.

Q279 Yeah.

A My input, I'm sure, having done it for so many years is considered valuable.

Q280 And did you have some discussions with the skipper then, with that repositioning

A No. Nothing official.

Q281 Right.

A Just a probably an opinion, and my opinion was that I felt it was a, a bit of a shame that we weren't able to have gone to the, to the position that was first relayed to us.

Q282 And he felt the same?

A And he felt the same.

Q283 yeah, O.K. Now, what was the last you heard from, from the Winston Churchill?

A I don't think that we actually had any, Telstra control had no other conversations with Winston - - -

Q284 Yeah.

A - - - at all, the only conversations probably would have been with the Naval personnel on the Young Endeavour.

Q285 O.K.

A And also the, with ANSAR as to what was happening in, in the search pattern.

Q286 O.K. Did, were you happy with the way in which your communications were with ANSAR?

A Um -

Q287 Please speak freely, if, if you wish.

A Yeah.

Q288 Any problems - - -

A I don't think we had any problems, no.

Q289 Right.

A No, I think they were, they were certainly appeared, once we passed on the information, any information. They obviously proceeded at a, at a fairly rapid pace.

Q290 Yeah.

A I probably would have liked to have been advised that what was actually happening.

Q291 Right. So you think there was a lack of

- - -

A Probably, I mean they, I realise that they were busy.

Q292 Yes.

A And had, you know, a lot of other things on their

plate, but it's probably both reassuring for us - - -

Q293 Yes.

A - - - and the competitors out there to, to actually hear back of the, the marvellous things that are happening.

Q294 Yeah.

A And I think that we didn't get that.

Q295 So, you would like to see that

A I'd certainly like to see that, yeah, I'd like to have the, the feedback that - - -

Q296 Yeah.

A - - - what's perhaps happening and maybe via the, say the Water Police or the choppers - - -

Q297 Yeah.

A - - - the ABC, I think that's, I think it would be very reassuring for us and, and also the fleet that perhaps are listening in.

Q298 Yeah. Now, you said that during your skeds there was a weather report to - - -

A That's right.

Q298 - - - that weather report, is that relayed to Young Endeavour and then in turn that's presented to all the boats by you?

A That's right.

Q299 Or one of your operators.

A Yeah.

Q300 O.K. And I'll just show you some, some typed weather reports which have been marked Telstra control weather.

Are you familiar with those documents?

A Yes, I am.

Q301 And is that the document that you receive?

A Yeah. That's the document I receive via fax - - -

Q302 All right.

A - - - from the Young Endeavour.

Q303 O.K.

A They hand it down to me from the bridge.

Q304 Right. And then, in turn - - -

A That comes in approximately 30 minutes prior to the sked.

Q305 Right.

A So, it's, it's, it's, it's as updated as possible. We leave it till as late as possible to make sure the synoptic situation is as correct as possible, as, you know, as we possibly can at the time.

Q306 Yeah. Do you recall ever whilst on that particular, or during that particular incident receiving notification of winds apart from boats that returned hard data to you, did you ever receive anything from the Bureau of Meteorology so far as winds possibly being in the, in the area of 75 to 80 knots?

A No. We didn't receive anything from the, to that number.

Q307 Have you since heard of winds other than from yachtsman, but have you heard from any other official source in relation to what winds had been predicted?

A No. No. The, I, I'm only going on what the yachties

passed onto me.

Q308 right.

A And the winds that we recorded on the Young Endeavour.

Q309 O.K.

A But I certainly didn't get it via the Bureau of Met.

Q310 All right.

A Or any other bodies.

Q311 So, your role basically is just to pass on what you get
.....

A Yeah. Yeah. It, it's to pass on what we receive
- - -

Q312 What you receive.

A - - - from the, via, via the Met.

Q313 Yeah.

A Which, which is a report that, it's compiled in co-
operation from the CYC and the Royal Yacht Club,
Tasmania.

Q314 Yeah.

A We relay that on and any severe weather forecasts that
we may receive we pass that on at the same time.

Q315 Yeah.

A Or the yachts also, at any stage can listen in on the
weather's, there's a, there's all the stations and the
times that are printed for the, for the competitors to,
to listen to - - -

Q316 Yeah.

A - - - via Sydney Radio or any of the coastal patrols,
they can listen in

Q317 Yeah.

A They can listen in, they can't request - - -

Q318 Yeah.

A - - - but they can certainly listen in, they can't make any personal calls as far as weather, but they can certainly, can listen in at any stage.

Q319 Right. And in fact you encourage other boats to send weather reports to you, obviously in the field, so to speak?

A No, I don't as a rule.

Q320 All right.

A I only do that, to, in the event of severe weather.

Q321 Right.

A Normal type weather - - -

Q322 Yeah.

A - - - I don't make any reference because it can help or hinder - - -

Q323 Yes.

A - - - some of the competitors, a yacht may be in an area of very little wind and a, and a yacht that's perhaps 8 or 10 miles, say, to the west and experiencing quite a good sailing type wind, so it gives the advantage then to the, to the other yacht to make, make its heading towards that better wind patterns.

Q324 Yeah.

A this is for a racing situation.

Q325 Yeah. What was the weather conditions that you

experienced? How did you consider the weather, in your experience?

A I think it's the worst weather that I've been in. (Tape beeping)

Q326 Is it?

A Yeah.

Q327 Now the time's 7.17, this interview is suspended for a tape change.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q328 Time is now 7.19, this interview is recommenced between Carter and Gray. I think we were discussing - - -

A We were discussing weather - - -

Q329 Weather, that's correct, yes. So those documents that you had were in fact faxed to you and you passed on those, those messages?

A That's right.

Q330 And I think you also mentioned about the weather that you experienced actually at sea then.

A Yeah, that's right, you were asking me what I, and my thoughts were that the, the weather that we were experiencing at that, the confused sea patterns is probably a better description, were the worse that I'd seen, certainly worse, we, we did a Hobart race in '93 which was quite a horrendous type sea conditions, but this year, 1998, I felt was certainly, well, from memory, I mean you do forget, but

it certainly appeared to be the worse that I've seen.

Q331 And the winds the same as well?

A The winds, I think that the skipper said that we were experiencing winds in the 70 knot range, which I think is probably worse than I'd experienced.

Q332 All right.

A I think many years ago in Storm Bay, I think from memory, had winds 50 to 60, and I thought that was, that was pretty, pretty horrendous. But in the 70s was, you know, was a hell of a lot of wind, lot, lot more than what I certainly wanted.

Q333 O.K. Now, you mentioned that you were communicating with AUSSAR or ANSAR, whatever you'd like to call it, how were you communicating with them?

A We were contacting them via, via HF.

Q334 All right. And that was - - -

A And we, we actually have a, a personal contact with a man that is allocated, or commissioned for, for the Hobart race of naval background but is now with AUSSAR as an employee, Sam Hughes who I know as Safety Sam
- - -

Q335 Yeah.

A - - - and I have a 24 hour call with Sam via either mobile or, or on HF.

Q336 Are you happy with the way things were going there?

A Yeah, I, they, they worked out, they worked out extremely well, we also have Sydney Radio - - -

Q337 Yeah.

A - - - who I do most of the communications through and who I also hook up with prior to the, the skeds. Or I can call on throughout the race to, if I'm having any trouble with communications, I can do it via Sydney Radio and they have a hook up direct with either Hobart Radio, Hobart Race Control or CYC base.

Q338 O.K. When you say Sydney Radio, do you refer to the CYCA?

A No, Sydney Radio is a, is a Government body that's actually now stationed in Brisbane.

Q339 Right.

A But I always make contact with them, prior to the race they're, they're also, the CYC or the Royal Yacht Club, Tasmania contacts Sydney Radio and send them the radio instructions and the sailing instructions for the race so the, the Sydney Radio are quite aware of, of our procedures. And also being a, under Telstra control, under Telstra it probably gives us even further priority.

Q340 Right. Now, so far as communications with the CYCA in Sydney, how does that work?

A That works initially via maybe, maybe mobile or VHF and then at a latter stage via HF and if there's any breakdown in communications, direct with us direct to CYC, I then contact them via Sydney Radio.

Q341 Right. Now, the fact of when they're and, as far as you're aware this is the CYC operations room so far as those communications are concerned during the

race, as far as you're aware or -?

A I would say that it's certainly one of them.

Q342 Right.

A They, they also have a, I think they utilise a room upstairs and they have voluntary people that come in and, and man the radios 24 hours.

Q343 All right.

A I, I have, I think that's more for outside communication purposes, people radio and ringing in to see where, where their dear ones are and the, the contacts I, I have are more direct with directors or
- - -

Q344 Right.

A - - - someone that's, you know, of an official capacity.

Q345 Are you aware of any problems that were experienced with the, the size of the aerial attached to the CYC in the race?

A I think that it's all, I think where the CYC in Sydney is located makes it quite awkward for communication purposes. I think it's always recognised that it's, it's not an ideal situation with all the tall buildings and, of the CBD here, around us and the little pocket that the CYC is located in.

Q346 Right.

A So obviously you wouldn't get the same facilities as far as reception as opposed to being based at Macquarie Lake, for argument's sake.

Q347 How, how long has that been a recognised problem for, that you're aware?

A Ever since I've done the race.

Q348 O.K. Have there been any moves afoot, as far as you're concerned or you're aware of to remedy that situation?

A I don't think so, no.

Q349 All right. Is that a situation that you, you consider to be important, from your point of view?

A I probably never thought of it in the past, but I think that it's something that the CYC should address now, yes.

Q350 All right. O.K. Now, you mentioned a short time ago a person by the name of Sam?

A Sam.

Q351 What was his last name again?

A Sam Hughes.

Q352 Right. now, whereabouts was he located during proceedings?

A He was, when the, when we ran into the major problems
- - -

Q353 Yeah.

A - - - Sam, I think, was located in Hobart.

Q354 Right.

A He had flown down, he usually, he's in Sydney here for the start, he's actually here on the, the day, we have, what they call a race briefing which is on the morning of the 24th of December - - -

Q355 Yeah.

A - - - and it's compulsory for the navigators and the skippers to attend.

Q356 Yeah.

A They're taken through the, the, the sailing instructions, they're also taken through the radio instructions which are separate. They're then briefed with the expected weather, they're briefed with the currents that they probably would experience throughout the race and they're then briefed by a, by the AUSSAR as to the facilities that are available and they're shown screens with helicopter retrieval - - -

Q357 Yeah.

A - - - actually it's quite a comprehensive briefing on the morning of the 24th of December.

Q358 Do you in fact go to that briefing yourself?

A I do.

Q359 And do you do a radio communications briefing?

A No, I don't, it's, I'm there to answer any, any questions but we have a, the race director who goes through the radio, radio instructions and any instructions he, anything that's, that they're not, not sure of, they're usually directed to him - - -

Q360 Yeah.

A - - - and he's, he's got the ability to, to be able to answer them or if there's anything a little bit tricky perhaps he might call on me. But it's, it's quite a while since I've been called on.

Q361 All right.

SENIOR CONSTABLE UPSTON

No, I have no questions.

DETECTIVE SENIOR CONSTABLE GRAY

Q362 Is there anything that you would like to express now, any ideas or opinions that you have in relation to your position which would make your job easier which would assist in future Sydney to Hobart races?

A Well, on the, on the competitor's side of it, what normally happens and it's for a couple of reasons, the, the radios are normally switched off once the competitors actually do the skeds and get their weathers, they normally, certainly on the boats that I've ever sailed on, they normally switch their radios off and the, so you lose contact basically with them, or Telstra control loses contact with them until the commencement of the next sked.

Q363 Yeah.

A That's probably nine yachts out of ten, I would think. I think that, and the reasons that they, there's a couple of reasons, I think one of them is they feel for battery power that while ever the radio's on it is drawing, and while they're actually receiving rather than transmitting it, it is a fairly small amount of battery drain, which I don't think warrants turning it off. And the, but the other factor is the chatter that goes on throughout the evening, overnight and throughout the day can probably be a little bit disturbing to some of the crew members who are trying

to get off to sleep and who aren't conversant with radios in the background, blaring away, you know, throughout the night. So they're probably the two reasons that they're turned off, but I feel, myself, that having been on the other side of the fence too, I think it's, it's quite important that, that the radio should be left on throughout the duration of the race. And that the yachts should perhaps have a, maybe an additional battery or certainly the facilities to charge the batteries so that there's no, no fear of, of a severe battery drain that warrants turning the radios off.

Q364 Anything else from your point of view on board the

- - -

A On board the, for my side of it, I feel that we should have a, a wireless that, a HF facility that is, has an increase in wattage, the radio that, that we've been using I feel is insufficient, insufficient power, it, it's very easy if, if you haven't got the power to, to lose, to lose control of the sked. As soon as they sort of sense a bit of a weakness in, in transmissions you, you find yachts tend to come in ad lib as opposed to when you're got full control of the sked. It's very easy to pull wayward yachts into gear and make sure that they observe the etiquette of the, of the sked and throughout the, you know, throughout the proceedings of the race. So I, I feel that certainly we need a more powerful radio. I feel that that radio that is

installed should be tested at sea certainly prior to the race and I'd probably suggest certainly with Christmas coming on and hard to get things done around that period, I'd probably like to see it fully operational maybe a fortnight prior to the commencement of the, of the sked. I'd probably also like to see, in the 50th race where we had 300 odd competitors they, they actually had a radio, a, a satellite type radio and telephone that gave me just, just like an ordinary landline, I think it was via satellite, I think out of Perth, but it was, it was a marvellous facility and I think that today it's, it's something that we should have on board.

Q365 And you mentioned the, a tape recording device would be

- - -

A I, yeah, and the, that's the other factor, I think that we should have a permanent maybe a larger tape recording facility along with tapes that we're able to continue throughout the race, there should be a recording of all transmissions and, and, and incoming calls that are taped for these reasons because it's very easy to forget what, what has happened throughout the race and I think the, the radio log is certainly a great help but obviously there's some things that, that you maybe don't jot down that, that could be very important in the event of fatalities.

Q366 O.K. Anything else you can think of?

A No, I think, I think that pretty well covers it. I

think, well, possibly another thing that we certainly should have a, a manual that alerts us to all possibilities of things that could happen throughout the race that I could probably pull up page 37 and it tells me exactly how to contact, for argument's sake, Sydney Water.

Q367 O.K. So a standard operating procedures?

A Standard operational proceeding.

Q368 Is that not available, is that?

A Yeah, it's, it, it's semi, it's, it's not been done to full capacity I don't think.

Q369 In previous years has it been?

A We did have one a few years ago but it got lost or -

Q370 Would that have been prepared by Greg Halls, do you know or -?

A I think it was by him, yeah, Greg Halls did, certainly did one at one stage.

Q371 So, has there been any updates on, on that one?

A No, there hasn't.

Q372 So basically you're flying blind?

A stuff that certainly needs room for improvement.

Q373 Yeah.

A And it's very hard at, at the time when things happen right at the critical time to always observe the correct protocol, you know, it's, as opposed to being able to look at, let's say, case histories where I can just pull up a, a page and if there's a, there's a

particular problem, let's say addressing a situation where there's a deceased throughout the race, what, am I able to alert the crew as to, the yachties who the deceased is, do I contact families, I, I feel that probably also we should have a person in, in, and I'm going to say Eden because it's, it appears certainly to be the spot where most yachties head for, and it's approximately, it's approximately a third of the race and it's prior to going into Bass Strait, so if there's going to be any problems it usually and hopefully it appears to be around that Eden area. So I think probably at, probably from, even from the start of the race at 13.00 on the, the Boxing Day there should be a, CYC representative there of some note that gives me that additional person to be able to talk to.

Q374 Has that happened in previous occasions?

A I can't think of any time off the top of my head, maybe in the 50th we had someone there, on account of the, the amount of yachts but I'm not saying that even this year it was, it was great that the, that both yacht clubs obviously acted so quickly and we certainly had Peter Bush who's a class commodore, he, you know, within a very short space of time was, was there to be able to probably help my, my thoughts. And then at a latter stage we had Greg Halls was then stationed in Eden and was able to reinforce any of the, any of my ideas on what should or should not have been done or any broadcasts that perhaps I should have done to, you

know, to the, to the yachties throughout the race.

Q375 Whose responsibility do you see it to get some sort of standard operating procedure book for you, for your utilisation?

A The person that probably comes immediately to mind would be Greg Halls, who was a past race director, very knowledgeable in navigation, it's a field that he is in and a chap that's also very good on protocol, he's a very good organiser and he's a chap also that loves his field of work. And has always been a great backstop in the CYC.

Q376 Yeah, that's fine. Anything else you'd like to say?

A (NO AUDIBLE REPLY)

Q377 Time is now 7.40pm. This interview is now concluded.

INTERVIEW CONCLUDED