

SENIOR CONSTABLE UPSTON

Q1 This is an electronic record of interview between Senior Constable David Upston of the New South Wales Water Police and Mark Clothier on the 30th of the 6th, '99 at RFD, Cheltenham, Victoria. The time on my watch is now 4.00pm. And also seated directly opposite me is Detective Senior Constable Gray of the Bega Detectives. Mark, for the purpose of the interview would you like to state your full name, please.

A Mark Robert Clothier.

Q2 And your date of birth?

A 28/12/66.

Q3 And your address?

A 20 ..... Street, ....., 3918.

Q4 O.K. Mark, as I explained to you earlier prior to the commencing the interview, Detective Senior Constable Gray and I are making inquiries into the 1998 Sydney to Hobart Yacht Race and in particular we're here today to talk to you about a life raft which was sold, we believe was sold by your company to Quinn Marine in South Australia and subsequently sold to the vessel Stand Aside. Is that correct?

A The life raft was sold by RFD Australia to Quinn Marine, correct.

Q5 O.K. Mark, could you please give us your occupation, thanks?

A I'm the managing director for RFD Australia.

Q6 And how long have you been in that position?

A Managing director I would have been approximately two months, prior to that the general manager for four years.

Q7 O.K. And do you hold any qualifications in the life raft industry?

A No.

Q8 The life raft in question, I show you a document which is an invoice number, 10900. What can you tell me about that document, please?

A The document relates to the life raft sold to Quinn Marine by RFD Pacific, serial number W0050, it details out the quantity, unit price, how the life raft was sent and also their purchase order.

Q9 O.K. Have you received any numeration at the moment, at the time for this life raft?

A No, we have not.

Q10 O.K. I now show you a document that is headed RFD Australia Pty Limited with a serial number A for Alpha, 07253. What can you tell me about that certificate?

A It's a life raft release certificate, which is completed at the time when the life raft is operation packed for the first time by RFD, it relates to the life raft sold to Quinn Marine.

Q11 O.K. This particular life raft that we're talking about is a specific six person life raft. What can you tell me about that particular life raft and how it was released from RFD Australia here in Melbourne?

A The specific life raft is a PBC life raft manufactured

by a company called Plastimo, who we import from on an exclusive basis. The certificate details, details of the pack included details of RFD's registration by the authorities in Australia, the date that it was released and aspects of the life raft involved with this particular sale.

Q12 You've got the original release certificate have you?

A I have the original, I also have details of the test report that is completed at the time by the technicians as to the specific details of this particular life raft. That includes details of the first aid, sorry, the emergency kit and also the details of the cylinder involved which helps the charging contents. The life raft, it should be noted, also detailed that it was released here in a valise, that is a soft pack and not in a fibreglass or plastic container.

Q13 O.K. What can you tell me more about the fibreglass canister that this particular life raft, we understand was sold to the owners of the Stand Aside?

A The, if the ..... gets packed into a container when it leaves RFD it would be in a plastic container moreso than a fibreglass container, some of the other manufacturers use fibreglass instead of plastic, however the Plastimo product does only come in a plastic container as specified by the manufacturer. My knowledge and my records here indicate that the life raft was released in a valise, that is a soft packet, a PVC pack, and I have no knowledge from these records

that it was packed into any sort of container.

Q14 And what purpose is it to have the life raft packed in a valise?

A For stowage below deck. Generally the, the ability to pick up the life raft, to handle the life raft from below deck is generally a lot easier in a soft pack valise than it is in a container. Container has a recess in the bottom, two recesses in the bottom of it to locate it into a set of purpose filled check, deck chocks which many of the boat's use, obviously a soft pack doesn't need such a mounting device, it's generally stowed in a locker or on a shelf below the, below deck.

Q15 O.K. With the, our understanding is that the, the life raft was transferred from its valise to a hard pack cover with, by request of the owner. Is there any inherent problems associated with that?

A Generally, no, specifically, unknown. There may be, depending on the conditions, the situation that was used to be changed over in, our recommendation, if such a transition was to happen, was that the life raft would be completely disassembled, re-inflated and then packed in accordance with the manufacturer's direction from scratch, if you like, that is from the start, as we would have done it when we packed it into a valise. That way that it can be packed from start to finish in accordance with the directions into another stowage form as opposed to the valise, that being a container.

We would recommend its, you know, transfer would not be generally done in such a way as you've suggested that it has been.

Q16 For what purpose would you suggest that the, the owner would have this done?

A It doesn't make sense how it's been done, usually, like, unless he wanted to stow it on the deck purposely get the chocks, stow it on the deck, he didn't have room below, they decided to change it over and put it into a deck stowage because a valise stowage wouldn't go on a deck, couldn't be, well, it can be lashed down but it wouldn't be advisable to do it that way. Generally if people change they generally change from a container back to a valise again so they can stow it below the deck, they don't need such a cumbersome thing downstairs. So, my only understanding could be that he wanted to mount it on the deck for whatever reason.

Q17 And have you ever, in this particular instance, ever packed a valise life raft into a hard cover at all?

A All life rafts are capable of being packed either into a valise or a container, the same life raft, the same emergency package as with any of the stowages, it's purely user preference as to which stowage they wish to have. We don't transfer them, if we want to transfer them, as I suggest, we would disassemble it, and generally that would be done at the time of service, or at the time when the life raft is actually purchased but if you specify which pack it's to go into. We

wouldn't transfer it, as you've suggested this one's been done.

Q18 So it is possible for the transfer to be done without alterations to the life raft?

A Correct.

Q19 Now, with this particular life raft I understand that it's bought out from overseas from a company by the name of Plastimo?

A Plastimo, yeah.

Q20 And how do you receive that life raft?

A We receive it in a non-operationally packed form. That is that it is complete with the exemption of gas in the, charge in the cylinder and an emergency pack. We receive the life raft complete, in its complete form which would include a container, a vacuum bag and what we call standing equipment only, that is it will have things like lines and coils in it, it'll have the operating head, the basic, basic structure of the life raft but essentially anything with the date attached to it is excluded for the purposes of keeping the date as fresh as possible when we actually do commission the life raft to the customer here. Also by, by packing it here we don't get a date issue of it sitting on the shelf for a number of months. The Australian packs are also quite different to that of the Europeans and if they were to bring it out with an ORC or RORC pack it wouldn't meet the AYF requirements for racing here anyway.

Q21

Can you just explain those acronyms?

A

O.K. RORC is the Royal Ocean Racing Club and the other one is the Ocean Racing Club, they have a specified emergency pack detail which is different to the, that specified by the Australian Yachting Federation who oversee the Sydney to Hobart Yacht Race.

Q22

O.K. What else can you tell me about that life raft, as far as its manufacturer is concerned. Does it go through any rigorous type of testing?

A

It does go through quite a number of rigorous tests within the factory. To my knowledge it doesn't go through a actual inflation test, that is by using the gas cylinder, it would be used by, inflated by other means, however, it's certainly stretch tested, it would be weight tested. There are, a sample I would assume as I have actually seen their sample test pool where they are actually fired in real life conditions, this wouldn't be for every life raft, it would be for a sample of life rafts, though. Their facility is, employs over 300 people, which is quite extensive, they've been manufacturing life rafts for, to my knowledge, better than 10, 10, 15 years now, in this current form. And we've sold in excess of two and a half thousand in Australia alone. So it's very well regarded as far as the life raft is concerned, it meets all the requirements of the, of both the AYF and the Marine Boards of Australia. And, yeah, it's, what more can I say.

Q23 M'mm. Is it manufactured under any Australian or European standard?

A Certainly not under Australian standards, it may be under European standards, I'm not aware, I'd have to check with Plastimo.

Q24 And the quality control as far as the life raft?

A The systems that I've seen within the Plastimo factory suggest that it's rigorously controlled throughout its manufacturing process, all the components have a production plan, control check, yeah.

Q25 O.K. And in relation to that, from your experience in the position you hold within this company, are you able to give us some sort of explanation as to the possibilities of, of failure for that raft to inflate?

A Possibilities of that raft or any raft not to have inflated would be limited to include a fouling of the operating line, a potential loss of gas from the cylinder, a malfunction within the operating head itself and the other element is the human activation, that it was activated correctly. From what I've heard it could be any one of those details, there's nothing, nothing concrete to say that it's any one in particular as we don't have a life raft to be able to inspect and find out for sure.

Q26 And another obvious one which we don't know, well, we know it doesn't apply in this case because of the testing sheet you have, but there's a possibility the cylinder is empty, obviously - - -



A            Yeah.

Q26          - - - the raft won't inflate?

A            Yeah. If the cylinder is empty it suggests the charge is not there, certainly the life raft would not inflate.

Q27          Right.

A            However my records indicate that it has been filled correctly, it's been checked way before it's been included. Because the life raft is packed in a vacuum bag any loss of gas within the, from the cylinder after it's been operationally packed would be quite evident in that the valise wouldn't, sorry, the vacuum bag wouldn't hold its vacuum and the life raft wouldn't stay in its container or its valise how it left here  
- - -

Q28          Right.

A            - - - it would expand and essentially inflate, just by the reason of the gas.

Q29          How was it shipped from RFD in Melbourne to Quinn's?

A            In the container, actually, the valise, yeah, it still would have gone in the box that we received it in from Plastimo which is a cardboard box, it's been dispatched by our freight company which is evidenced on the invoice.

Q30          And that travels by road?

A            Yes.

Q31          O.K. Now, are you able to tell me the date that the life raft left here and the date that it arrived at

Quinn's, the time involved?

A The date that it left here, the certificate was issued on the 12th of November, the invoice was issued on the 12th of November, Discount Freight Express collect from here on a daily basis, I would suggest without checking the actual dispatch note which I can find for you, it would have left here on the 12th of November, DFE have an overnight service to Adelaide, it should be received around lunch time on the 13th of November, the 13th being a next working day, if that's what the day of the week is.

Q32 O.K. Now, is it the situation that if the same, if the same situation was reversed and in fact you received a life raft from Quinn's, I'm supposing here, and it arrived here to be picked up by a potential client, and you removed it from one container to another, one packaging to another, valise to the plastic cover or .....

A That's correct, yeah.

Q33 Would your technicians or your surveyors in the process of doing that check the bottle anyway?

A If that was to happen within my facility the transition would not have happened as simply as you suggest. It would have been fully disassembled, it would have been re-tested, it would have been repacked in accordance with the manufacturer's instructions and then we would have issued another certificate from here.

Q34 So that would be a protocol or just a business

practice?

A It's a protocol.

Q35 From - - -

A It's a way of life that my technicians work under.

Q36 O.K.

A They don't, they don't transition life rafts as you suggest.

Q37 But is that like a policy within RFD or is that a national policy or a worldwide policy or - - -

A It's - - -

Q37 - - - discretion type thing?

A Well, I believe it's a worldwide policy.

Q38 All right.

A I believe if you, if you adjust the configuration of a life raft in any way, shape or form, you are responsible for that and if you're responsible for that you're responsible for everything inside the life raft.

Q39 Yeah.

A These guys are trained by the factories to have a test and service the life raft and that would go to the extent of inflation tests as detailed on the back of the test report which, which include pressures and anometre readings and temperature controls under which the test is actually undertaken.

Q40 So it's a good practice which should be, you know, should be used?

A Yes.

Q41 Now, we discussed prior to the interview that we were

informed by witnesses onboard the VC Stand Aside that after the second attempt to inflate the life raft it sank.

A Inflate the life raft?

Q42 Yeah. Could you give an explanation to that or -?

A You mentioned that, life rafts are inherently buoyant in their ..... form, the fact that the life raft has sunk, without being there I can't say, yes, certainly - - -

Q43 Sure.

A - - - but my understanding is that it wouldn't sink, it could have been the weight conditions at the time pushed it under the boat and it went out the other side or whatever, they lost sight of it - - -

Q44 Yeah.

A - - - and therefore they think that it's sunk, but a life raft will generally float in its ..... form.

Q45 Will it float forever, so to speak, indefinitely?

A No, I wouldn't think so, if water was to enter that vacuum bag - - -

Q46 Right.

A - - - which given the people onboard have, tampered with, is probably a stronger word than I want to use, but they've adjusted the configuration, they've ..... it out of the valise or out of the container, if they've damaged that vacuum bag at all water is going to get in there and if water becomes trapped in there it's going to lose its inherent buoyancy and yes, yes,

it will - - -

Q47 Right.

A - - - it will sink in a matter of time.

Q48 And you mentioned a few minutes ago there was dangers in the transferring of the life raft from the valise to the container. Now, I can't, I don't recall whether you specifically told us what those dangers were, you said it wasn't a normal practice for this particular life raft?

A The way that the valise is stowed, the operating line sits on the top of the, well, depending on which way you look at it, is to one end of the life raft inside the valise. The operating line is within a container, PVC container so as not to foul during the activation. When you take that out of, sorry, to draw the line out of there there's not a great deal for it to foul on, when it's in a container, the container, the operating line has to thread through a pre-cut hole in the container, if that container or the operating head is not in direct line with that, it's quite possible for the line to foul, if the line is not a direct line from the, from how it comes out of the operating head to where the person is actually pulling it, that is if it's bent back on a particular angle, there is a chance that that won't activate correctly.

Q49 And that could explain them continually pulling on it?

A It could explain them continually pulling on it, but if they're then taken out of the container, that's not a

possibility at all.

Q50        Yeah.

A            Because they're ..... from whatever angle.

Q51        Exactly.

A            Whereas if the life raft, the pure weight of the life raft, they're 40 kilos approximately to try and pull that line on an angle not consistent with the exit angle of the cord from the actual operating head it could foul.

Q52        All right. So that's one of the main dangers in the transfer?

A            Yeah.

Q53        Anything else that you can sort of -?

A            That could damage the vacuum bag, I don't see that as being a major concern for the activation of the life raft only for its stowage on the longer term.

Q54        Right.

A            But, the main damage would be, or the main potential for damage would be the, would be the fouling of the operating line.

Q55        Right. O.K. Mark, if you received a, a life raft from a valise and you, let's say the Quinn Marine operator and you received it and you took it out of the valise, while it's in its vacuum packed state wouldn't it be fair to assume that the contents in the raft are in good order?

A            Yes, it would be safe to assume that.

Q56        Would it then not be fair to say that that's the reason

that the packer at Quinn Marine suggested that it would be improper to take it out of the vacuum pack seal and then re-assemble it?

A That could be his understanding of it, it certainly is not our instruction or the manufacturer's instruction.

Q57 All right. Have you at any time given instructions to the certificated operators at Quinn Marine to in fact carry out that procedure?

A No.

Q58 Do you have a vacuum pack or a vacuum seal operation or a machine - - -

A Yes.

Q58 - - - to be able to do that?

A Yes.

Q59 And I, it'd be fair, unfair for me to assume that you, are you aware of a vacuum seal operation at Quinn Marine?

A Quinn Marine had a vacuum seal operation as all our authorised service stations must have to be able to pack these life rafts, and we inspect them to make sure they do have them. Now, I should note that the vacuum sealing of a life raft in this particular instance can either be done by a heat method, that is a high frequency welding method or via what we call, there's a special word for it, it's rubber compound, we call it liquorice, it looks very much like liquorice and it basically sits into the bag and when you attach the vacuum nozzle to it it has the effect of flattening out

and seals the bag airtight, so it has a special valve that you can actually create the vacuum and a liquorice is used to close off the end of the bag, if you like. When the life raft is serviced in subsequent years the liquorice section is cut off and the next lot of liquorice is applied further down into the bag, so you can generally get five or six years out of the particular life raft by doing it that way. Quinn Marine, to my knowledge, would be using the liquorice version which I can confirm with our sales records, whether they actually have the \$1700 worth of welding equipment, as we do, 'cause we have the volume to go through here, I don't know, I'd have to confirm that.

Q60 O.K. At the conclusion of this interview, will you be in a position to show Detective Gray and myself that operation?

A Yes.

Q61 Mark, is there anything that you've got from your point of view that you would suggest in relation to life rafts, any views you have, ideas we can take to the coroner?

A From the information that I've read there seems to be a lot of different opinions out there, I think the underlying basis of what this whole inquest is going to come out, is that there must be more education - - -

Q62 Yes.

A - - - in the use of life rafts. As far as the design of life rafts, I don't believe there's a difficulty



-  
there, I think everybody that was in a life raft that used a life raft correctly, is alive in a life raft at the end of the day. The usage of life raft together with, you know, activation as well as maintaining it while you're in the water is something that these guys don't always attend, as far as our training demonstrations are concerned, and that can be the reason for the improper use of a life raft.

Q63 It's been suggested to us that perhaps some changes could be made to the minimum requirements by the AYF insofar as having an inflatable canopy rather than a single ship type situation - - -

A Inflatable canopy?

Q64 Mm.

A You're gunna add weight, you're gunna add size, and I don't believe, I think with the inflatable arch tube involved in it, I don't believe there's any need for that, I don't think it's going to improve the life raft at all. I'd have to refer that back to life raft manufacturers ..... to see what their opinions are, but it's something that hasn't been done so far and I, I fail to see how it could improve the situation.

Q65 Now, we have conducted a number of interviews, as you're aware during this inquiry and in speaking to some of the members from the Winston Churchill and there were suggestions made that a rope or similar be put on the inside of the raft for them to clip onto whilst in the raft. Have you heard anything like, or

do you have any views on that or does such a rope exist or -?

A I was surprised that their particular life raft didn't have such a rope - - -

Q66 Right.

A - - - because to my understanding they, that rope, what we call an internal lifeline is attached to a all life rafts.

Q67 Right.

A And my records on the particular life raft you're talking Winston Churchill don't go to the extent of telling me whether there was an internal lifeline attached or not.

Q68 Right.

A I know that some of the life rafts that we receive from overseas are not completely fitted out and then it's the task of my operators to fit them out correctly.

Q69 Right.

A But, yeah, any internal lifeline, as far as I'm concerned is standard - - -

Q70 Right.

A - - - standard kit.

Q71 O.K. You, prior to the interview you showed me a document which is the report on the 1998 Sydney to Hobart Yacht Race by the CYC. You made comment on some comments in that report. Is there anything you would like to, to inform us now that you feel that there may be some corrections made to that?

A

I think the, the initial discussion that we had concerning this was the stowage for the Stand Aside yacht, for life raft that is, and since our discussions today I've now learnt of this transfer, which is something I was unaware or had been unconfirmed to me, the type of life raft, the other type of life raft referred to on the Stand Aside is a Pro-saver life raft, to my knowledge it's not a Pro-saver life raft, the photos that I've seen in the media suggest that it would have been possibly either an RFD ..... life raft or a Roaring 40s life raft. And that's, that's something for further investigation. I think the details that have been included in, in this particular report are quite comprehensive, they probably go, they certainly give the information as it was filled out and it's, it's good to understand exactly what has happened. There was a lot of media questioning of myself going on over the Christmas period when it was all happening, a lot of information that I forwarded to the media had been taken out of context and, and such information as been received in here certainly sets the record straight as to what the users found and what the users actually understood to have happened during the course of the race, and during the emergency.

Q72

So you're satisfied with the life raft report per se within that report, overall?

A

Per se overall, yes.

Q73

And that media, that media problem you had, what was

that in relation to, specifically?

A Specifically they asked for suggestions as to how the situation could be improved in future if it was to happen again. My answer was to upgrade the requirement to Solace life rafts as required by the Whitbread fleet, they call it category zero, and that's gonna give the users the ultimate life raft that you could have in such conditions.

Q74 Mm.

A The media then took that out of context and suggested that I'm calling for mandatory upgrades, so, you know, that's been a misunderstanding of the media but it's how they sell newspapers, I expect.

Q75 But certainly you're a firm believer in that though?

A Yes, I am.

Q76 Yeah.

A I believe that, you know, if it's good enough for the Whitbread fleet to be holding them, there's obviously a reason why the Whitbread fleet don't go running around the world with AYF compliant life rafts. And it's the best possible situation where people are going to be at sea for a period of time. The hypothermic properties are a lot better in such a life raft, they have a double skin floor and double skin canopy. The construction is essentially the same, but the, the ..... the attributes of the actual life raft are in excess of the standard that has been used by the AYC or been allowed by the AYF.

Q77 You mentioned earlier, Mark, about, and with Senior Constable Gray about the self-inflating life raft canopies, or actually not the canopy but a tube inside

- - -

A An arch tube.

Q77 - - - an arch tube.

A Yeah.

Q78 Is there any life rafts now that are made without that arch tube?

A Yes, there are.

Q79 And how many of those would be sold compared to the self-inflating tube or the arch tube?

A If we're talking life rafts relative to the Sydney to Hobart?

Q80 Yeah.

A Nil, from here nil, if we're talking aviation purposes, if we're talking large open reversible life rafts used on the Great Barrier Reef, there's a percentage of volume, I would say, estimate at say 10 to 15 per cent. It's really a different purpose altogether.

Q81 Mm.

A A reversible life raft is used for a different requirement, these life rafts used in the Sydney to Hobart all had arch tubes.

Q82 But is it the case that the AYP requested an arch tube is present in the life raft?

A To my knowledge the AYP allow life rafts without arch tubes. Some of the older life rafts, and I believe the

Zodiac SY6 model is a non-arch tube life raft. We did sell a number of Plastimo products similar to the SY6 four or five years ago, which may be still being used by some of the fleet, but it's not a line that we continue to sell. We prefer to sell something with an arch tube.

Q83 O.K. All right. Is there anything else that you would like to add that you feel may assist us in the inquiry?

A Not at this stage.

Q84 All right. The time by my watch is now 4.30pm. This interview is now concluded.

INTERVIEW CONCLUDED