

W1131 262/00 RMB-K1

NEW SOUTH WALES STATE CORONER'S COURT

STATE CORONER: J ABERNETHY

WEDNESDAY 2 AUGUST 2000

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5/98 - EVENT OF THE 1998 SYDNEY TO HOBART YACHT RACE

**INQUEST INTO THE DEATHS OF JAMES MICHAEL LAWLER
MICHAEL BANNISTER
BRUCE RAYMOND GUY
PHILLIP RAYMOND CHARLES SKEGGS
JOHN WILLIAM DEAN
GLYN RODERICK CHARLES**

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Mr A Hill assisting the Coroner
Mr R Stanley QC with Mr Santamaria for the Bureau of
Meteorology
Mr R Weber for the Cruising Yacht Club of Australia

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PART HEARD

<GREGORY WEBSTER HALLS(9.40AM)
RESWORN, EXAMINATION CONTINUED

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HILL: Q. Just for the record, would you say what your name
is again please?

A. Gregory Webster Halls.

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Q. And your address sir?

A. 21 Lynwood Street Blakehurst.

Q. And you're an oceanographer?

A. That's correct.

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Q. Yesterday we were discussing the documentation and the
assertion by Mr Thompson that there was no documentation
when he took over in I think 1995, do you recall that?

A. Yes.

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Q. We had discussed the radio relay vessel's documentation?

A. Uh hmm.

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Q. What other documentation was there, as far as you were
concerned?

A. After the review in January of the previous year's
events, there were certain recommendations that came out of
that to the sailing committee for rectification or
modification amendments in the following year's event. That
would have all been logged in the sailing committee minutes,
along with various reports that were documented. From year
to year the notice of race and sailing instructions would
normally take the previous year's, change the dates, times
and the race frequency skeds, whatever they might be that
needed changing, insert amendments or recommendations that
were applicable from the previous event or changes in the

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5 racing rules or regulations that occurred in the past 12 months. That became a document on its own, the notice of race and the pretty formal sort of sailing instructions. There were then briefing notes for the various subcommittees that were formed of volunteers, such as the starting committee, which - probably the committee's a wrong - a misnomer but a starting team, the volunteer teams we had that we could call in if required in an emergency situation. On the communications side we had a briefing with people from Young Endeavour in those days and went through their procedures and they were all minuted and documented and kept in a file system in the sailing office. There was no sort of formal race document from the point of view of a procedure manual that sort of ran from year to year, so it's virtually an update from year to year as it went along.

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Q. Do I take it then that in January February some sort of committee got together and made recommendations from the experiences of the last race, is that how it worked?
A. That's correct.

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Q. What was that committee called again?
A. That was just the normal sailing committee of the Cruising Yacht Club which met monthly and sometimes that meeting would be held in January, depending on the availability of people. If January was a bad month because of school holidays and various things, it may go back into February. But usually Mr Fletcher and myself and sometimes Mr Carter would attend that particular meeting, although we weren't members of the sailing committee, we were there to make a review report on what had occurred.

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Q. The recommendations would then come out and then they would go into the sailing instructions and the notice of race, is that--
A. They would be put on record in the minutes of the sailing committee meeting and then they would be referred to by Mr Brenac and myself later on in the year when we started to formulate policy for that particular event.

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Q. So if you wanted to come in and organise the race, you simply looked at those recommendations and adopted them, is that basically it?
A. That's basically it. The notice of race and sailing instructions didn't change very much from year to year but basically those recommendations or findings from that review committee were then incorporated in the following year's event.

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Q. You also said that you had a greater volunteer force, is that right, for specific tasks?
A. Yes.

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Q. You've said about those that set the buoys for the start line, was it?
A. The Hobart race was one race of a series. There was a pre-race regatta, usually an international regatta that was held beforehand of five or six races and so there was a

continuity of people that were involved in that earlier regatta and the Hobart race. In the years that I was sort of involved with the event we had two starting lines, which meant we needed two teams of people at either end of the starting line to note down vessels that were official starters, hoist and display signals for the event and also record and advise race control or myself on the starting line of those who were premature starters so they could be recalled. We had a team of volunteers of maybe 10 or 12 people involved in that procedure which there were meetings held prior to the event because there was in restarting or having a recalled yacht it is fairly critical that that yacht get notified fairly quickly, although they were notified 20 minutes after the start officially by radio but we had to have a second gun go. It was immaterial as to which line the infringement occurred on. If we had a break on the second line we had to know very quickly so we could get a second gun off so that the competitors were aware that somebody had infringed a rule and could make their own way back if they thought it was them. So that team was briefed two or three weeks before the end and there was a debriefing in the afternoon following the start, because we would go back through the tape records from their start positions to ensure that we had the right boats, if boats had infringed the rule.

Q. What about other volunteers? Did you employ other volunteers for other particular tasks?

A. We had - we put in place a system of senior yacht club personnel of maybe 10 or 12 people who we knew we could call upon if required in the case of an emergency. Most of those people we asked and if they had two other people who were either yachties or friends that lived next door that could come and assist and we had some idea of their background, we knew whether they were capable of getting ..(not transcribable).. taking notes from a radio communication system or plotting on a chart. So we had in place - it was an informal sort of arrangement but it did work. They weren't necessarily briefed although we often sort of had private conversations with them to say this is what your duties will possibly be.

Q. What about down the coast, did you have any volunteers down there?

A. We depended a lot upon the RVCP operation or limited coast station operations and they are all volunteers and over - because I professionally get involved in offshore work I do have a lot of personal contact with these particular stations. So I used - Mike Fletcher and myself used to quite often go down the coast and talk to these people because most of the coast stations only operate a 12 hour station watch and going to a 24 hour operation with volunteers and being aware of the problems which they had outside our race operation, it was a face to face thing of what those volunteers were and what their capabilities were.

Q. So you actually went down and spoke to these people?

A. Yes.

Q. Did you have to supplement their personnel for a 24 hour watch--

A. Yes we did.

Q. Where did those volunteers come from? 5

A. They came out of the CYC. We found in - Eden being the sort of turning point of the race, it's the last stop before you cross Bass Strait and it's historically been an area where most yachts sort of go to. The assistance given by the community of Eden is absolutely fantastic but they are - 10
it stretches their resources to the limit. They also have to maintain from their radio communications point of view facilities for holidaymakers, their everyday operations of recording and talking to local fishermen, beach parties, various things. The police only have three officers on duty and over the Christmas period they're rather stretched. So 15
there are additional resources needed to go in there to assist those people, who also knew - are part of the background of the people involved in running the event. 20

Q. So you knew these people? 20

A. Yes.

Q. And then volunteers from the CYCA would actually go down there, would they? 25

A. Yes.

Q. They would, what, take turns on watch?

A. They'd take turns - they wouldn't take turns on watch, we tried not to interfere with the normal operations of the RVCP but they would usually station themselves adjacent to the radio operator and, you know, talk about the cricket or something. We had a fax facility and telephone facility in Eden for them and it was also liaison with any yachts that had retired, people requiring assistance or transportation, things like that. 30
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Q. What about documentation to these volunteers down the coast, did they get documentation?

A. Not in a formal documentation of a written sort of set of instructions. We sent to the coast stations usually the same bag that went out on the yachts with some additional information of phone lists. We internally had a phone list of all the key people, including quite a few volunteers. We had also sponsors. We also had included in that list was the movement of key people, you know, flight times they were travelling to and from various places, so that people knew that it was no good trying to contact somebody who was going to Hobart and would be in the air. That list went to the coast stations in a limited form, there was no sense in them sort of knowing who the CEO of Telstra was or Kodak in those days. But they had a communications list so they could contact people in the CYC direct to the sailing office or the media centre and also Hobart. On there were the relevant phone numbers for the hospitals and emergency services and things like that. 40
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Q. What about the participants in the race, did they know

who was in the race or anything like that?

A. Yes. What, the coast guard?

Q. Yes.

A. Yes, they received a fairly detailed spreadsheet of the boats, their names, numbers and in some cases relevant boats we were using as radio relay boats or intended to use as radio relay boats, because we'd go through the yachts and look at their communication system and quite often who was on them and I would talk to them privately before the race to say we may call upon your assistance to go to a different frequency, because the coast stations are a limited coast station, they have certain frequencies which they are licensed to operate on and to go outside those frequencies has incurred the wrath of the Spectrum Management Agency occasionally. So the personal contact once again with the briefing prior to the event was instrumental in ensuring that we could maintain that communication facility but they had that documentation so they knew the boats, they knew the people involved.

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Q. I'm going to take you back to the sailing instructions. You heard Mr Thompson said that he doesn't tell them in detail about that. That's at the briefing that takes place on Christmas Eve. What was your method in regards that? The same?

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A. Very similar. Apart from the normal briefings by the commodores of both clubs and the Weather Bureau and the CSIRO on currents and maybe, you know, one other interested person, my briefing was in some ways brief from the point of view it only took sort of 35, 45 minutes. I used to go through the sailing instructions not word for word. I'd pick the pertinent points out of the sailing instructions mainly to do with communication and yachts retiring from the event and we had an appendix to the sailing instructions which were not mandatory but were recommended procedures for yachts withdrawing or yachts in trouble. Clarification of sailing instructions with regards to carrying out ramifications of an infringement in the harbour, that I used to clarify. But the particular points on protocol on communications and their procedures for pans and maydays and retiring yachts was fairly paramount in our briefing.

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Q. I understand it that the situation under, if I can use your directorship, was that they actually made the mayday calls not to the Young Endeavour, not to Telstra Control, but to the coast stations et cetera, is that right?

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A. That was what we were trying to do. We realised that in the procedure for the radio relay ship it was basically the eyes and ears of our race committee on the race track and in past years the vessel had been requested to drop fuel off to somebody who was out of fuel and I suppose, you know, biscuits if they wanted it and we tried to limit that to not playing that sort of role. It was a radio relay ship. It was - if we lost control of the radio relay ship or any input from it, we had a major problem. So it had specific instructions and because of the size of the fleets, back in the '80s we had fleets of upwards of 70 or 80 or 90 odd

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boats which increased up to the '94 race of 420 applicants but 387 or 374 boats going to Hobart. To have that sort of communication over one radio relay ship was just not on, we couldn't physically handle it and so we had to limit calls to the radio relay ship and we actually wrote it in the sailing instructions and I'm not sure whether it was in the appendix although I do have them here procedures that yachts - listening watches to be maintained by particular boats in the fleet on certain frequencies, on other frequencies by other yachts in the event and that any yacht calling for a mayday or a pan or assistance in any way should utilise the services of the limited coastal stations and the coast stations, being Sydney Radio, Melbourne radio. They would call on those frequencies. Young Endeavour in those days or One and All were the two boats in '94 would also monitor those calls but if the coast station would assist they may direct Young Endeavour to do something but the requirement was that they utilised the coast stations for those particular facilities.

Q. So you kept, if I can use this term, you kept the frequencies as far as the radio relay vessel was concerned, unclogged by those sort of matters and it remained the eyes and ears of the race committee, is that how you--

A. Yes.

Q. The other thing I was going to ask you is that I think you said yesterday that as far as being contracted to the CYC to run the Sydney to Hobart race it wasn't in the strict sense, you were a volunteer to do that, you weren't sort of paid an amount of money, though from 1993 I think you said they covered your expenses for doing that, is that right?

A. Yes, that's correct. I run my own business and my partner had died in 1990 and there was a considerable amount of effort and time went into planning all this over the full year. It's not just - I was always on duty at the CYC from the end of November always through to the first week in January. So it was two months in a run there and probably three or four weeks during the year. In your own business that sort of hurts a little bit, I still had overheads and bits and pieces and in '93 I think it was I approached the sailing committee and I said look, I said I would really like to receive some remuneration for my insurances and my normal overheads and it was agreed that they were reimbursed, those expenses. There was no sort of - I think on one occasion I received a letter from the CYC appointing me as the race director, maybe two occasions. That didn't normally happen until July, August, after the AGM when a new sailing committee had been appointed.

Q. The documentation that you've told us about, the radio relay vessel manual and the sailing instructions and the notice of race, did you regard those as yours, your personal property?

A. No I did not.

Q. Whose were they, as far as you were concerned?

A. They were vested in the CYC.

Q. Did you take them with you when you ceased to be the race director in 1995?

A. No I did not.

Q. Where did you leave those? 5

A. They all remained in the CYC, they were on digital - in digital form on disk and I know that Lew Carter had a copy of the radio procedures. I have got odd copies. Unfortunately in October 1998 I actually cleared my office out and eliminated a lot of paperwork that I had been storing for many years and the only documents that I have retained is the normal sort of notice of race and sailing instructions which I used to use at the briefing and use for my own notes during the event and I've retained some information from 1990 when we had an incident with Rothmans which looked like turning into a major legal battle over many years and I retained copies of documents there in case they were needed in the future. 10 15

Q. I think that in fact in 1995 your firm, your company, received a rather large contract somewhere up in Darwin, is that correct? 20

A. That's correct.

Q. You in fact had to shift your residence to Darwin? 25

A. Actually I still live in Darwin, my family live here but I am still resident in Darwin.

Q. I think you spent how long in Sydney during 1995?

A. I left here in March 1995 and I only had three or four days in Sydney for the remainder of that year, I'd come down for various - talk to the accountant and various people, so I had very limited time here in 1995. 30

Q. Did you speak at all with Mr Thompson about him becoming the race director? 35

A. I do recall speaking to Phil July or August at one time when I was down but I had spoken to Dave Fuller who was the commodore at the time in March, advising him that I doubt if I would be available, bearing in mind that the appointment or the request to form a race committee didn't occur until later in the year, that I would probably be unavailable due to my contractual requirements on the Darwin project. I became aware in a - that the sailing committee which is minuted I believe somewhere did request that either Phil or somebody contact myself and Mr Fletcher with regards to being involved in the 1995 Hobart. I didn't - I can't recall receiving an official letter or anything requesting that but I was aware of it and I responded to Commodore Fuller some time in August and then sent him a formal letter in November sort of thanking him very much for the invitation and wishing them all the best for the event. 40 45 50

Q. Did you say anything to Mr Thompson about the running of the race? 55

A. Phil and I had dialogue at odd times on things that we did. He often asked advice on things like the possibility of changing radio relay ships, some procedures that we had

in place down the coast. They were just odd comments made at odd times when Phil had a request and I'd respond to it.

Q. There was no suggestion I take it that you would not give advice if you were asked for it?

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A. Not at all, no.

Q. The other thing that I think occurred in 1995 was that some of the sailing office staff left, is that right?

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A. Yes, I was absent when most of it did occur but I was aware that Elaine Gazzard who had been there for a very long period of time and was very instrumental in our documentation, she was the assistant sort of secretary in the sailing office, an extremely over-efficient at times but it was very fortuitous sometimes and Mr Brenac both departed the sailing office in early 1995.

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Q. You've heard that at present and indeed in 1998 the sailing office is left unstaffed during - from approximately 11 o'clock till about 3 on race day, on 26 December. What was the procedure that you had?

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A. We maintained a 24 hour operation in the sailing office from Boxing Day until we had firmly established operations in Hobart and advice was received back in Sydney from Hobart that we were fully operational on the Hobart end. So that maintained a 24 hour operation.

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Q. Who remained in the office when the race was going to start?

A. Elaine Gazzard.

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Q. What were her duties?

A. She was as I said the assistant secretary in the sailing office and she would fend off any nuisance calls or superfluous calls, she would take any faxes, any communication that came into the sailing office. If they were of an important nature she would always ring either myself or Mike Fletcher to ask advice on what she should do. More often than not she had all the facts in front of her and she could respond to that but she would then leave a note in our file of any relevant conversations or discussions or anything turned up such that we could take action if needed.

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Q. When you returned, would she be there?

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A. Yes.

Q. What were her duties when you returned?

A. We had a debrief with our starting team and there were formalities of a normal sort of after race start drink and then depending on what the weather was and what time the skeds were, Mr Fletcher and I had an arrangement on who would do the midnight shift or the graveyard shift and we'd keep watches. The situation was such that we knew that Mr Brenac would - and Elaine would both come into the office the following day for the normal operation of the yacht club so that would relieve Mike and myself of being there full time but there was always somebody in the sailing office and

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they could contact us at any time. More often than not the case was that there were interesting things going on, one of us was always there.

Q. You've said that under your system your committee would move - under the system that was then in place, your committee would move to Hobart at some stage? 5

A. The race committee consisted of two members from the Royal Yacht Club of Tasmania. They had already gone back to Hobart after the start. All the handicapping or the adjustment of times for a situation report on where yachts were on handicap and overall was all done in Sydney. So that part of the operation remained in Sydney and-- 10

Q. Whose task was that? 15

A. Mr Brenac and we had a gentleman by the name of Hugh Byrnes from Digital who wrote the software and was involved in assisting in that area of publishing results. Normally Mr Fletcher or myself would go to Hobart, one of us would stay in Sydney, the other would go to Hobart and once we'd established communications at the RYCT in Hobart and the facilities for the media centre and the liaison and various things Mike could stand down but he was an interested yachting and he'd basically live at the yacht club on his yacht and be available. So there was really no real break, we had both ends covered and even in 1994 Mr Fletcher went on Young Endeavour because we felt we needed a senior person on Young Endeavour to assist in making on the spur of the moment decisions should they be required and we had Mr Ross Scobel(?) who was a co-director or race director, because we had a race from New Zealand to Sydney as a feeder race for the race and also a race from Hobart back to New Zealand. So Mr Scobel acted - we virtually had three race directors who could make decisions if need be. 20 25 30 35

Q. So Fletcher would remain in Sydney, you would go down to Hobart, you would make sure everything was correct as it were, you would then tell Fletcher that you were now ready and then he would hand over to you? 35

A. Virtually, yes. They would still have an interest back in Sydney and they'd maintain that interest till the end of the race. Usually on the last day Elaine Gazzard would come to Hobart to organise presentations and bring down respective paperwork that might be required for our operations in Hobart. 40 45

Q. So basically you're - under the regime that was in place when you were there, there was always someone in command to be able to make decisions?

A. Affirmative. 50

Q. I'm going to take you through your statement and I note that at page 3 and 4 you say I returned to Sydney just prior to Boxing Day and you were speaking to Mike Fletcher. What was that about? 55

A. Is this the first statement or the second statement?

Q. The first one, I'm sorry. This is 29 December 1998.

A. Yes, I returned to Sydney on Christmas Day actually from overseas and I had guests from Darwin who I was going to take out for the start of the Hobart race. Fortunately or unfortunately the particular gentleman and his family had found an early opening hotel and we decided we wouldn't go out on the water, we'd sit on the deck of the yacht club and watch it on TV and we spent all day there. During the afternoon just after the start we were discussing sort of the start from what we'd seen on TV and the possible weather and I went back about 2.30 or 3 o'clock to get some drinks and came back to where I was sitting and Mr Fletcher arrived back and jumped the fence, because he hadn't seen my wife Penny for a while and we discussed the weather. He was aware from - he'd listened to some briefing by Clouds, Roger Badham to Lew Abrahams on Challenge Again and was aware of a storm warning and I said yes, I said I've just seen a copy of the storm warning. He said well what do you reckon. I said they're going to have a busy time tomorrow or tonight and tomorrow night.

Q. Now, hang on, where had you seen a storm warning?

A. I'd been over at the press centre and I do not recall who I had it from but I read the weather report which had the storm warning on it.

Q. What happened then?

A. Mike said aren't you lucky you're going away again tomorrow and I said yes and we discussed the ramifications of the storm scenario, what we'd been through in '93 and my comment - Mike was there for, you know, an hour and a half, two hours and it was paramount on our mind as what was going to happen because we'd been through it in '93. At the time the VIP boat came back and I remember saying hullo to Bushie as he went past and he made the comment that, you know, they're going to have a rough time, you know, tonight with the weather and I said it's not tonight I'm worried about, it's tomorrow and, you know, I think he took that on board just as a comment and hadn't been aware of what was going to - what was - had been issued.

Q. You were fully conversant with what a storm warning meant?

A. Yes.

Q. How was that so?

A. I have a professional requirement in weather for my operations offshore. I write safety procedures and specifications for oil companies for major engineering - offshore engineering works and we have disaster plans and weather plans for evacuation or abandonment of operations during the event of storm warnings or cyclone, typhoon, hurricane warnings. So I'm fully aware of the weather implications. Also as research vessels that I've been on, we are normally what we call weather ships and we do report the weather every four hours on a coded system back to the Weather Bureau from wherever we've been operating. This practice has ceased in the last couple of years but in the 1960s and '70s and early '80s it was a regular practice

every four hours and being a junior officer in the 1960s it was my job to compile those, so I was aware of weather and I've also been aware of the changes that have occurred in forecasting weather scientifically, because they've had very strange ramifications in our industry too of significant weather conditions, significant wave height and wind strengths. There is a big misunderstanding out there even in the scientific world of that information.

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Q. You were aware or you weren't aware of this business about when they forecast what the winds will be that that's a mean wind or an average wind?

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A. Yes, I'm fully aware of the situation with their forecasting and the current trends.

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Q. So when you saw the storm warning and it said say between I think it was the first one--

A. Forty five.

Q. Yes, 45 to 55, what was your understanding of that?

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A. I knew they'd get 45, 55 but I also knew they'd probably get 70 or 80 knots.

Q. And that's what made you comment that it'll be tomorrow night?

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A. Yes. I was more concerned over the sea conditions because I was aware of the current scenario down the coast because we do have oceanographic boys off the coast here which we have a monitoring contract with and I'm aware of the speed of the current and what its distribution was.

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Q. I might as well deal with this now. At page 7 you say there is no method in regards cancelling or shortening the race, there's no provision for that in the sailing instructions. What are your thoughts in cancelling or postponing this race?

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A. The 1998 race? Or any race?

Q. The Sydney to Hobart Yacht Race.

A. I have raised this in past meetings at sailing committee level. There has not been provision made in the sailing instructions for cancelling or postponing a race. We did want to incorporate it in one particular year and we sought legal advice from an international jury on that. I have a problem at the start of the event that from a coordination point of view of waterways, if we have a major disaster in the harbour such as a Manly ferry turning over, the harbourmaster's going to close the harbour and cancel it anyway so we would be instructed by him to abandon the start, with ongoing ramifications. But if there are no problems at the start, it's a scenario that if we had that storm warning occurring on the afternoon of the start in Sydney I think we would probably postpone the start but once we've got them on their way and as long as I can get information from various sources to inform them of what they're likely to get with plenty of notice, I would have no hesitation in allowing the race to continue.

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Q. In the 1998 race with that storm warning, if that had come prior to the race, what would your attitude have been?

A. With 24 to 48 hours notice I'd have still let them go and the reason being is that it is a formula 1 event, it is regarded as one of the toughest yacht races in the world. Anybody that goes ocean racing, you get what you get out there but you have to be informed by the organisers or other authorities of as much information as you can to let them make decisions. There's nothing to stop them going out and then going to go fishing in Port Hacking or Jervis Bay and wait for the worst of the storm to abate and many people did that. I don't have a problem with that. They're abiding by the rules of the event and the general rules of ocean racing. I don't have a problem with that but I would still have - I wouldn't have cancelled the race.

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Q. You talked about letting them have as much information. Now, what do you mean by that?

A. From a sporting scenario versus a commercial scenario, it's a little different but the legal rules are still the same, you still have a duty of care and responsibility. I used to sort of regard them out there as being under your wing. I know that in 1993 with the weather forecast we had that several weeks before the event I was getting model information from the UK and the States and it was about five days before the event that I actually had three models agreeing, which worried me and I did speak with Ken Batt prior to the event and Roger Badham prior to the briefing of the skippers and navigators at a cocktail party which I think was about 23 December. But we - the three models and the information that I had was that we would have gale warnings but it would - and it would spread over four or five days, so it wasn't going to be a sort of burst out of nowhere and people could plan for it. I also because of my commercial activities contacted colleagues in what in those days was a company called Ocean Routes which is now WNI who do forecasting, long range forecasting for all our offshore oil operations in the Pacific and Indian Ocean and had their advice. But that information was disseminated to the competitors prior to the event starting, even at the race briefing we had that information. And then during the event we kept them constantly informed of the movement of that particular low. So it's a matter of being able to disseminate every bit of information you can. You need to verify that it is fairly accurate and get that to the competitors, because the more information that they have out there to assess the scenario the more capable they are of reacting to it and taking preventative measures.

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Q. Were you in Court when Mr Honeysett gave his evidence?

A. I was.

Q. That forecast or that observation rather of 71 knots at Wilsons Promontory, is that something that you would have passed on to the fleet? 5

A. I would have - I would have contacted the Weather Bureau in Melbourne to confirm that and I probably would have contacted a colleague on one of the oil rigs to see what they had and Loch Sport, Joy at Loch Sport in Victoria, and depending on what the results were with my conversation I would have taken action. 10

Q. What sort of action? If it confirmed it was--

A. If it confirmed I'd have - I'd have probably got on the radio to Lew or the telephone to advise him of this, and not knowing the procedures that were in place for communications in the 1998 event, made him aware, sent him full briefing on it and said we've got to get this to the fleet immediately, and if we were fortuitous enough to have a sked coming up shortly we may wait for the sked. If it was going to be several hours for the sked and the timing was becoming critical, I'd have probably gone to the three minute period, silence period on the hour and half hour and made a general call over the calling frequencies for all yachts to maintain a listening watch on the race frequency. 15 20 25

Q. Whilst we're talking about Lew Carter, I want to just go down this alley. What's the purpose of having the recording machine on the Young Endeavour? 30

A. Well we had in - it was a recommendation made yesterday that it be ashore. In 1993 and '94 we had a recording facility which was the hand held tape and it was - the recording facility was on my wish list. We used to have a wish list every year to the CYC of things we needed like charts and dividers and more pencils and bigger rubbers and things like that. And the recording system was on our wish list, and it wasn't - it wasn't a real priority because Mr Brown advised me that he had a system which he utilised and would fill the gap. We needed it on Young Endeavour because it wasn't just the HF - if we had it ashore it would only be the HF communications that we would be recording. On Young Endeavour we really needed to monitor not only HF but VHF and also communications internally in the operations room on the - on Young Endeavour, because there would be discussions between the Master of Young Endeavour and the radio communications crew, there may be telephone calls that come in which may have pertinent points in planning or future development, which way we wanted to go, and so we wanted to leave it on Young Endeavour. And in January every year, Mr Fletcher and I used to avail ourselves of a bottle of the red infuriator and listen to those tapes at great length to find where we had problems to put in our review for recommendations for the following year. And in hindsight we probably should have gone to a level in '94 to ensure we had a current state of the art system. You know, we use them off shore commercially. There's no reason why they couldn't be used in the Hobart event. 35 40 45 50 55

Q. So when I asked Mr Thompson when he couldn't have it there, that is on shore, the recording device, and didn't see any problem with it, the reality is that the reason it's there in the Young Endeavour, it's not just the radio exchanges that you want, it's all the exchanges within the command area of the Young Endeavour, Telstra Control. You want all that recorded? 5

A. That's basically correct. The other thing is that the facilities at the CYC, quite often radio reception is very bad when the yachts get further south and vice versa from Hobart. It's - they really don't pick up the yachts until they get down towards Twofold Bay under certain weather conditions. 10

Q. And because the tapes themselves were actually a source for you to make recommendations into the future? 15

A. Mm.

Q. Going back to Boxing Day, I think the next day you were listening in to your HF radio, is that correct? 20

A. That's correct.

Q. Something caused you to ring Peter Bush?

A. I was getting the weather reports, normal coastal station weather reports from Melbourne radio, Sydney radio, and I heard on the race frequency a few calls to Young Endeavour and I realised - although I hadn't read the paper that morning, I realised this was building into something quite horrific and I actually rang Peter. I don't know whether it was about 2.30 or 2 o'clock, may have been earlier, that I just heard something on the radio to Young Endeavour and I was aware of the weather reports down the coast, and I just said to him I hope you've got people in Eden because I feel that Eden's going to become a major disaster point tonight, tomorrow. 25 30 35

Q. You actually - under the regime that you operated under there was a person in Eden, is that right?

A. We had several people in Eden. 40

Q. And that was always done?

A. I'm not sure whether it was done in sort of '87, '88. I can't recall. I've got a feeling that this eventuated after '92 and we actually went there in a vehicle where we had a radio control in the vehicle, so sort of '92 was sort of the start of it. I think we had people in Eden - well we did have in 1990 because I've got faxes from them, so it must have occurred prior to that. But we did have people in Eden, yes. 45 50

Q. So you asked you hoped that they had people in Eden and what did Mr Bush say?

A. Peter said no, and I said well I would strongly recommend that you place somebody there or get somebody to go there in a hurry, and he said to me, he said are you available, and I said well I'm flying out tomorrow but I will - can change various things if I need be, and I think - I said I know you're going to need them there. He said I'll 55

get back to you, and I said - he said he'll have a talk to people in Hobart, and we made various comments on what was occurring on the radio.

- Q. Did he say who he'd have to talk to in Hobart? 5
A. I can't recall.
- Q. Do I take--
A. I think somebody from the race committee or race control. 10
- Q. So he had to actually get clearance from someone else?
A. That was my understanding, yes.
- Q. Any idea what time that was? 15
A. Two o'clock, half past one.
- Q. Were you eventually got back to?
A. Yes, he contacted me around about 7.30 that night to say could I get on my bike, and I said yes, I'll be gone in five minutes, and he said oh well we'll need to send you a fax and I said well you can send it to me in the car. And then I sort of stopped and realised that halfway down between Wollongong and here the mobile phone doesn't work, so I said are you ready to send it, and he said give me 10 minutes to write it out and I'll send it to you, and I received a fax at my office at home with an update on what was occurring and grabbed my toothbrush and away I went. 20 25
- Q. You went down to Eden and I think you had to organise various doctors and things like that, is that right? 30
A. I didn't have to. I sort of went to liaise and assist where I could, but I was aware of what was going to happen and so I called in at Bega Hospital on the way down and spoke to the Sister there and advised her that it was highly likely we were going to have severe injuries and hypothermia cases, and I knew the hospital at Pambula was very small because we'd liaised with them in previous events, and she said fine, I'll get on the blower straight away to the various doctors we've got on call and organise additional equipment in in case we need it. 35 40
- Q. So until you went and spoke with her, she was not alerted to this possibility or probability?
A. Not that I was aware of. 45
- Q. Would it have been easier had there been a schedule of telephone numbers so these people could have been put on alert as it were?
A. I think - yeah, most definitely. Whether that came from the CYC or from the emergency response people I don't know, but it would have been handier, yes. 50
- Q. Who else did you see?
A. I went to Ulladulla radio station on the way down. There was nobody there. And then I went straight to the police station in Eden when I got there to advise the duty constable who I was and if I could assist him, and he said 55

well they're all down at the RVCP now, better have a cup of coffee and tootle on down, which is what I did.

Q. I'm not going to take you through all those particular things, but there are various statements that you make. At page 41 for instance you say that - and I want you to listen to these. Achievements that had in previous years seem to have been thrown away. Procedures at 46. Procedures seem to have been lost. Cost cutting and down trend in management. And at 72, page 72, you felt that things had not been looked at by the race directors. What was it that you felt about those things? 5 10

A. Well when I arrived at the RVCP in Eden, they virtually had a one or two page fax sheet of the boats by - in alphabetical order with no other information, and they hadn't received any instructions on no - the race frequency which they were aware of but they were also monitoring other frequencies, and they were short staffed. The RVCP actually shut down on the 26th or the 27th at 01:30 I think and they didn't come back on duty until 6 o'clock on the 27th. I thought that to be rather strange, and they had no other documentation on the event such as phone numbers and key people to contact, fax numbers for the media centre, for operations control in Hobart or in Sydney. They had an old list of phone numbers which was no longer relevant because of the additional numbers that had been stuck in the front of Sydney telephone numbers, and they virtually had no documentation. And when the police became involved they had no documentation either, which I thought was sort of - it's something we always did. We - in previous years through the Sydney Water Police, VKG and their operations, they were normally kept fully up to speed on operations and given all this documentation, and to those stations down the south coast they were forwarded a bag with all the details in it, plus the relevant additional information on phone lists and fax numbers and various things, more details on the yachts, for dissemination of information amongst their volunteers. Now that just didn't exist. 15 20 25 30 35

Q. So these are the things you're talking about, achievements that seem to have been thrown away? 40

A. Well we had a personal contact with most - the majority of the operators in those places and they'd commented to me over the years that this personal contact, face to face contact no longer existed, and whilst being very efficient in their operation they were not up to speed with what the current operations in the CYC were. 45

Q. Moving then to page 58, you say there were a few things the radio relay vessel didn't pick up or pick up on and it's at page 58 and over to 59, and you were going to interrupt. Now what was it that was a problem that you saw there? 50

A. They were under extreme pressure with the amount of traffic being communicated through them and there were just little relevant items that came up that Lew was going to get back to various yachts on or call somebody else on which didn't occur. Now they didn't occur because he was overwhelmed with communications, and I hadn't even seen a 55

sailing instruction or a notice of race. In fact the only thing I took down was a - was the CYC monthly journal which sort had the normal CYC document which had some bits and pieces in it. I didn't even know the boats that were going to be in the boat race. I hadn't read that particular document so I wasn't aware of the procedures that had been adopted, and from a normal communications point of view I wanted to get across to Lew that we - I was now in Eden and Eden with some proper direction could assist in relieving him of some of those duties as long as he get it across to the fleet that hey, hang on, we're here in Eden, we're listening and we can help, but we can't help if people don't want to talk to us or aren't aware that we're there. And it was an initial sort of gut reaction of doing something in the scene but just standing back and taking - just taking - taking stock for five minutes and saying well now hang on, I don't know what is in place, what the procedures are, maybe I should review this before I sort of step into the fold, which is what we did.

CORONER: Q. So you tried to get in touch with Telstra Control?

A. I didn't initially. I did after a sked where I advised Lew that we were - that I was there.

Q. And could help?

A. And could help.

Q. And what happened?

A. He came back to me and we assisted where we could.

HILL: Q. But what you're really saying is that you felt that he was being overwhelmed at the time you were listening in and there should have been a system where that load could have been taken off him. Is that basically what you say?

A. Basically yeah. There were priorities in the calls and the scenario is in '93 we had a man overboard and four maydays with three vessels sinking, and in the procedures - you know, the most important procedure is a man overboard. Now the call that went to Young Endeavour was missed by Young Endeavour just in the mayhem that was occurring over the other three or four maydays at the time. The same sort of thing was occurring in '98, not to the point of a man overboard, but there was just so much information it was information overload. And the - he was coping with it but not getting things in their right sequence, which would have made it easier for him to handle the situation.

Q. So this had been looked at, this problem had been looked at after the 1993?

A. Yes.

Q. And resolved in what way?

A. By writing in the notice of race or the sailing instructions the various radio frequencies, having a multitude of frequencies available for yachts to call and also stressing that they should make use of the limited coast stations and Sydney and Hobart radio in the event of

extreme conditions.

Q. That seems to have disappeared from the 1998 sailing instructions, is that--

A. Well it wasn't until some time later that I actually read the sailing instructions and I was absolutely amazed to see that it written in there they wanted all communications on 4483. I went back to the previous sailing instructions where we had clearly defined in there the frequencies for calling on. You know, there were six frequencies available to various - to the yachts to call upon to get assistance, and then it was clearly stressed in another paragraph that yachts making these sort of calls, it would be appreciated if they used the services of the limited coast stations in the coast stations, because that's what they're there for, so the radio communications vessel could do its - what its designated job was but would assist if required where the OTC station or the limited coast station couldn't assist them or made recommendations back to them.

Q. So that was a lesson learnt brought into the sailing instructions and then we have the same problem in 1998, but the resolution seems to have disappeared.

A. That's correct.

Q. Has that ever been explained to you?

A. No.

Q. There have been occasions where you have - or rather at page 68 the crew have certainly overruled a skipper. You know of this incident. It's down the bottom there, 290, Question 290. And the reason - sorry, it's question 290, have you got that? It's page 68.

A. No, I'm on page 75.

WEBER: 295 the page numbers.

CORONER: Maybe when you're taking them off the CD-ROM it's different sized paper or something.

WITNESS: I'm on page 74, sir.

WEBER: I've got the - I didn't mean to interrupt your Worship. I've got the same problem as Mr Halls has. My question 290 is on page--

CORONER: I'd say yours have been taken off the CD-ROM on different paper.

HILL: I think what's happened is mine has come from a hard copy, a simple photocopy, and when the computer gets it it decides that it can fit it all onto a page.

CORONER: It changes.

HILL: I'm sorry.

CORONER: Go on questions, question 290.

HILL: Q. I'm sorry, I beg your pardon.

A. On page 75, sir.

Q. That talks about a couple of years ago with a particular boat where the crew said we were all too seasick and we're finished, and the skipper said no, I want to keep going, and that's very easily fixed by someone then making a decision that he feels the skipper either had too much salt air, they're taking things into their own hands, and that has occurred. The reason I'm bringing this out is that it's a little bit different with regards a yacht and say a Master of an ocean going vessel whose word is law as it were. But if a race was called off or something was done and then they're on their own, it's not just a case of the skipper saying we'll turn around. There's a voice within the crew that will say this is the best thing to do. Is that how you see these yachtsmen? Is that how they are? 5 10 15

A. Yes, most of them are like that. The - in the 1984 I was navigator and helmsman on Ragamuffin, and we had a situation where the - we started to get a crease in the boom, and there was consensus on the boat that we drill it out to stop them cracking further and we looked at it every 10 or 15 minutes until such time as it started to crack again, and we just turned around - Sid Fisher was the skipper of the boat, and Sid just called myself and Tony Ellis and said what do you two reckon? And I said well it's going to come down very shortly, and we turn around and go back and have an early breakfast. That was it, the decision was made. But then you do get the case of some skippers that are going ho and hell bent on going and getting there, and that can be a bit of a problem. In - the other side of the coin is that you may have a crew which is incapacitated by seasickness, and bear in mind seasickness is a very serious ailment in decision making and being able to do things. Also people get tired after spending long hours in adverse conditions. We had a case in '93 on Heaven Can Wait with - it was chartered from New Zealand. The boat was rolled through 360 and had considerable damage to the yacht itself, and we were advised that there were about four crew who were fairly seriously injured on board. And we eventually went back through the insurance brokers in London to get permission to sink the boat for a start because I didn't know what our position was in authorising the Navy to try and sink the boat because it became a hazard in navigation. But the other thing was that we were of the opinion that the crew or the Master was in a situation where he couldn't make a decision and we called upon a vessel who was assisting to make that decision on our behalf, and if they felt that they should evacuate the crew then that call would have to come from them rather than the boat that was concerned. So there are two scenarios, one is the gung ho attitude and two is the seriousness of any injuries that have occurred on board. 20 25 30 35 40 45 50

CORONER: Q. Almost an inability of the boat itself or its crew to make the appropriate decisions? 55

A. That's correct, yes.

HILL: Q. So there have been cases where as far as you're concerned the race committee will step in?

A. Yes.

Q. It's not a question of being too shy or hands off. There is a limit, if I can use that term?

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CORONER: Q. And that's this mother duck sort of a thing that I think you mentioned earlier in your record of interview. Through the radio relay vessel it was a hands on thing that you saw. In extreme cases such as the two you've outlined, the last one, you had no hesitation in stepping in and giving some direction, some leadership.

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A. No.

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HILL: Q. Then to your second statement and at page 26 it deals with the marrying up of IMS certificates.

A. Question number?

Q. Sorry, I'll just get that question number for you. Everyone is suffering from that problem in here. Question 171, and you'll see after Cruising Yacht Club "is it the responsibility of someone on the committee to marry that certificate up with - and the answer was yes," and you're talking about ensuring that it was current and a valid certificate?

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A. Yes.

Q. You know that one of the certificates, an IMS certificate for the Business Post Naiad slipped through. Was that a possibility under the arrangements that were in place when you were there?

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A. I think it's always a possibility but it was highly unlikely.

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Q. Why was it highly unlikely?

A. We had in place a vetting system. The '94 race was different because we had - we had various vetting committees to do things, but the end result was still the same. And just prior to the event - and also you've got to bear in mind that certificates were changed by yachts who were competing in the pre-race regatta series to optimise for the Hobart race or vice versa, and there were yachts competing in the five or six race series prior to the Hobart that were not competing in the Hobart. So there were cut off times for all these yachts to supply information, and quite often the CYC would have a yacht which raced regularly in with the CYC and it would have a certificate on file and they wouldn't send this particular certificate in, they'd say you've got it on file. In the earlier days yes, we bent the rules, we went and got it out of the file, checked it and put it into the race file, but in the latter years we insisted on them sending a particular document because we'd then find that somebody wouldn't put it back in the file for the regular racing occurrences and it would create a problem later on. When the certificates came in, and in our days we had IMS and IOR certificates, it was checked off for its rating under IOR, crew numbers or weight, I can't remember

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when the changeover occurred on IMS certificates, and the stability factor, either one - the lower one of the two figures. There was a spreadsheet kept of that information and we've had evidence tendered to the Court here on the documentation time of being the end of October I think it is 5
 when certificates are renewed, so we were aware that a lot of boats at the closing of entries didn't have valid certificates, they would send their old certificate in. There were two filing systems kept, one of certificates, and a copy of that certificate, Elaine would take a copy in the office and put a copy in the boat file. We had a file for each boat. And then if there was a certificate that either was invalidated due to date or anything else, it went into a file for action to be taken. That file would not only include certificate, it included safety certificates, it included crew lists, any anomaly in the system. And the boat's file was then removed from the Sydney Hobart race documentation until such time as it was rectified, and there was a process of maybe four people reviewing that document to ensure that it didn't go back into the system until it had been corrected. And on the very - on the 23rd or 24th December, Elaine Gazzard, one of her instructions was to go through to make sure that every boat we had had the certificate - had all the documentation crossed off or ticked and crossed, because the cross was our - was our final thing on the bits and pieces. So there was a three tiered system very similar to what Phil had on the board. We also had it in a computer and a spreadsheet situation. And Bob Brenac and Elaine handled that exceptionally well. It was no concern of mine apart from the fact that I'd be aware of boats that hadn't - didn't have a tick in the final column on the wall sheet, and we'd check it off on the computer sheets, and it was still in the file of those that didn't comply. 10
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Q. In fact you'd actually prevented vessels from sailing in the race on occasion? 35

A. Yes.

Q. You've actually gone down - I think this is at question 180. You actually went down to Cockle Bay and prevented - and told people that they weren't allowed to race? 40

A. Yes, we had boats that didn't comply, and especially in '94 a lot of competitors you know wanted the sea bag and the skite plate and everything else, and we had a procedure where which I still - which is still in place of backstay flags, and the Waterways Authority would not allow boats that didn't have the respective battle flag or the starting code flag flying from the back of their boat into the starting area. And I went to those boats personally in Cockle Bay, I went and did those boats, but Mike Fletcher did the ones at the CYC, we had somebody to over to Middle Harbour and do them. Those that didn't comply, those bags were removed so that they wouldn't have their flag to fly and they were advised officially in writing. If there was somebody on the boat it was given to them, if not it was left in the cockpit or in the boat that they were ineligible to compete in the event, full stop. 45
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Q. So it was rigidly enforced, there's no question about that?

A. Yes.

Q. I note that in question 203 you say at the bottom in the answer to that "I really can't see - the only thing would be the systems put in place years ago I know are not there now." Those were the systems that you put in place and it's in regard to the IMS certificates and the checking, is that right?

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A. 203? Did I say I don't know?

Q. What you say is "I really can't see - the only thing would be the systems put in place years ago I know are not there now."

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A. Yes, that'd be correct. They obviously have a system and it appears to be very similar to the system that we have, that we had in our previous events, and I don't know what their system is now so I really can't comment, but I feel that had they had not just the wall sheet but a computer spreadsheet system that forewarned them. Our system also forewarned us of two days beforehand if somebody hadn't complied with documentation and we've written them up and chased them. It wasn't part of our duty to do so but we wanted to try and get as many boats going in the event as possible.

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CORONER: Q. Well you could have big arguments if some people were turned away because they didn't have a current IMS certificate and it was an oversight by them I suppose. The idea is to let them know in advance and stop arguing.

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A. That's right. The worst - yachties are the worst in the world for that.

Q. I can imagine.

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HILL: Q. The race review, the report. I think you were a member on that?

A. Affirmative.

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Q. The race review.

A. Yes.

Q. It's been called various things.

A. The Bush report.

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Q. The Bush report.

A. Yep.

Q. You were on that. What was your task?

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A. As a member of that review committee there were several tasks involved. One was sort of not interrogation but discussions with the yachts that ran into trouble and several members of that committee were given duties of investigating in general discussions with crews and yachts that had problems. Putting together the analysis of the questionnaire that went out. Investigating and making comment on recommendations we received from general public

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and from competitors on - from things to weather, to organisation, to radio protocol, to eligibility for entrance either be on age or experience, and the review of the weather scenario and life saving equipment such as liferafts, EIPRBs, personal flotation equipment, et cetera. 5

Q. At one stage there the race review, Bush report, talks about the race committee responsibilities were not well defined, and I think that that's - it's question 207, and what you say about that is "well the responsibilities are defined in the ISF manual and also in the blue book." So you think they are defined, it's as simple as that? 10

A. They need expanding but the blue book, the AYF blue book and the ISF manual do have specific tasks for a race committee and a race management committee under the new terminology of - on water management of races. They are quite clearly defined, but as we've also heard, under the ISF manual the race management team, the thing is specifically designed for regatta type events in enclosed waters and not for a long distance race such as the Hobart. So I think the ISF manual does require extension in that particular area and that is being addressed by the ORC and ISF. 15 20

Q. I think that you've also said that the race management, the committee, the race committee learnt from problems and that's how you went year by year. You simply - if you had a problem, you looked at it, it was resolved and then that became part of the sailing instructions for instance. Is that-- 25 30

A. Not necessarily the sailing instructions but it became part of the procedures. You know, in the radio manual for the radio relay ship we changed things, modified things. The sailing instructions had amendments to them to reflect those sort of moves and there were recommendations made to sailing committee such as the timing we should have for briefings of volunteers. 35

Q. It was an ongoing process?

A. Yes. 40

Q. At one stage there, which seems to be now refuted in later evidence, in the race review it says at page 57 "the chairman of the committee was unsure of the precise responsibilities of the committee as a result." This is at - it's question 221. You see you were asked the question about page 57 of the report, paragraph 5, where it states "the chairman of the committee was unsure of the precise responsibilities of the committee as a result." Now do you say that's what you've just explained to us, the same situation, you don't understand that, or - and you say "I can't understand it. If you don't - to me if somebody is put in a position like that, one that's either management, they've selected the wrong person. One or two, if you don't know, you ask somebody that does know." What exactly are you saying? Are you simply saying if you don't know - if you're in the position you don't know what to do, you should ask someone? 45 50 55

A. That's affirmative.

Q. It's as simple as that?

A. Yes.

Q. But (a) you shouldn't put someone into that position in the first place?

A. Well I think it's one of the principal roles of management, of key management, is knowing what the capability of the people who you intend to put in certain places.

Q. Well what's your opinion of a statement that says the chairman of the committee was unsure of the precise responsibility of the committee as a result?

A. I was surprised.

Q. Now grandfathering. The reason for grandfathering. What happened? How did this come about?

A. In the days of IOR in National Offshore Rule Mark 3, IMS didn't exist, it didn't come in till the late eighties. There was a stability index under IOR certificates for yachts competing in various categories of events. We had a problem in that when IMS - the IMS, International Measurement System came into fruition, that yachts which competed under IOR and had - were eligible under the screening value for their righting index, under IMS didn't meet the requirement basically in category one. And it's like trying to have an apple equal - equate to an orange. So the sailing committee of the CYC had Gordon Marshall if I remember correctly, do a lot of analysis on these sort of figures and they came up with a factor that because the ORC recommendation was 115 degrees for category one that they could - we could manoeuvre that figure up or down as required. And the - and Gordon, and whether he had a subcommittee to look at it, came to the opinion that a value of 110 was probably in the sort of figure they were looking at for the same figure under the IOR rule, under the IMS rule 110 figure was about right. Subsequent work in that area found that to be incorrect. But we had the problem of having yachts we had allowed to go to Hobart under the old rules of IOR which were now no longer allowed to go to Hobart under IMS. There were some owners that had gone to extensive costs to modify their yachts to comply with that regulation, and there was some discontentment among members who had spent \$40,000 modifying their keels and their yacht to make it comply and those that either couldn't afford to or didn't want to modify their yacht. And it had quite a bit of discussion at the sailing committee over a considerable period and I can't - it's in - I know it's in the sailing committee minutes which I have no doubt are on record somewhere. There was a lengthy meeting where it was voted on by the sailing committee and those that objected to it had their objections noted in the sailing committee minutes, but it was adopted by the sailing committee that a yacht that had previously been to Hobart and fell between the 110 and 115 degree limit would be allowed to go to Hobart.

Q. I think that in fact you were against that?

A. Yes I was. And I wasn't a member of the sailing committee, so we just didn't have any voting rights at all but I've got a feeling that - my recollection's very, very - it happened sort of, you know, 18, 20 years ago, not that long ago but I've got a feeling that we were allowed - that they did allow an open vote on that. But purely on my - that once again goes back to my sort of commercial interests of shipping and knowing what stability rates sort of apply.

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Q. Having finished with your two statements, liferafts. I'm not going to go into this but you are in fact collaborating with Mr Mooney from the AYF to put a submission before the Coroner in regards to liferafts?

A. That's correct.

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Q. You've also been told that there may be further submissions from the CYCA as to recommendations and you're going to have a look at that?

A. That's affirmative.

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Q. There may be some things that you may not agree with and you are going to make a submission about that as well to the Coroner?

A. Affirmative.

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Q. Is there anything else that you want to bring to the attention of this inquest?

A. I don't want to take up too much time your Worship but on communications, are you aware of the historical background of the allocation of frequencies and who has those frequencies?

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CORONER: Only in very general terms.

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A. Because the frequencies are not - we heard from Mr Collinson that the CYC had this particular frequency. It's not a frequency which the CYC selects. We have had trouble over the years in getting frequency allocations.

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Q. So which body is it that handles frequency allocations?

A. The Spectrum Management Organisation which is an Australian communications authority.

Q. Right, so someone I hope will put the - suggest a recommendation relating to the selection of frequencies--

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A. I hope so.

Q. --for future boat races, yacht races.

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HILL: Q. Are you saying it's best for the CYC to in fact say look, we need this particular frequency, this is the best one for us, or this set of frequencies?

A. We have been down this path before with the AYF and there has been problem over the years in the allocation of frequencies and what frequencies we'd like, bearing in mind that most yacht HF communication systems don't go the full spectrum of HF communications. But there are problems in 2,

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4 and 6 meg frequencies and maybe it needs something further done in that area, submissions that are made such that you can make a recommendation.

CORONER: Q. Recommendation and it will carry some weight. 5
A. Even in last year's event I believe that people like Eden coast guard were communicating with an aircraft on marine VHF and they've received a nasty bullet from the ACA on exceeding the limit of their licence in doing that. So 10
there is a cross-purposes here of various organisations. 10
No, I've got nothing further at this time.

CORONER: Q. When you have a number of frequencies, I take it in your day there was the one general frequency and a number of emergency frequencies on HF, was that what the system was? 15

A. If I could just refer to my documents.

Q. To ease the load. You spoke about six.

A. Yes, in previous years we sort of basically had the 4483 frequency as being our routine frequency. 20

Q. Your sked frequency?

A. Sked frequency. But in a document here, radio transmission, we had radio - from the start time until the radio relay ship enters port and closes operations she will maintain a continuous listening watch on 2182, 4125, 6215 and VHF 16 which are all the distress and normal calling frequencies. 25

Q. Distress--

A. And calling. 30

Q. --and call?

A. Yes. 35

Q. What's that mean?

A. You can call - you can - if I wanted to communicate with you, I can call you on one of those frequencies and ask you then to go to a working frequency. 40

Q. Right, okay, I see.

A. So in the event if you have a lot of traffic and we have a scenario which I want to discuss with you, I can call you up on that frequency, ask you to go to a 6 or an 8 or a 12 meg frequency. 45

Q. That's designed - all but one of those were HF and that's designed to ease the load on Telstra Control, especially when conditions are tough? 50

A. We had that scenario in '93 where we in the race committee could communicate with other yachts outside the system on higher frequencies to ask them to stand by other yachts or to go to certain locations and that just minimised the amount of traffic that was on air on the race frequency. 55

Q. To get permission to use those frequencies would be even more difficult I would imagine from the ACA?

A. No, those frequencies are the normal frequencies--

Q. They're normal frequencies?

A. They are normal communications frequencies that everyone uses.

5

Q. Right, it's getting other special frequencies?

A. Yes.

Q. Or getting a more suitable special frequency than 4483, which is it?

10

A. Getting a more suitable frequency.

CORONER: Alright, I think I follow that, I'm a bit slow on this but that's alright.

15

SANTAMARIA: Q. Mr Halls, both in your interviews with the police and in your evidence this morning you've described the significance of Eden so far as the Sydney to Hobart race goes, especially where there might be the need for rescues and whatever. You recall on your way down to Eden calling in to the Bega Hospital and forewarning the medical staff there of the possibility of people being admitted to hospital with hypothermia and other such conditions?

20

A. That's correct.

25

Q. When you were doing that, that was because you foresaw the need to give as much early warning as possible to medical staff and whatever of the need for action to be taken?

30

A. That's correct.

Q. Would you agree with me that in the case of Eden in particular the earlier the warning of severe weather the greater the prospects of rescue plans being formulated and implemented?

35

A. Yes.

Q. You spoke also to the Coroner about your appreciation of a storm warning and what it conveys to you, given the benefit of your experience on the oceans. What I wanted to ask you was really about gale warnings. There's been a lot of emphasis about storm warnings but would you agree with me that a gale warning in itself is a fairly significant if not serious warning for vessels participating in an ocean race such as the Sydney to Hobart?

40

45

A. Most assuredly.

Q. In circumstances where a gale warning had been issued at about 9, 9.30 and then upgraded on the same day to a storm warning, would it not be that the situation had passed from serious to very serious?

50

A. Yes, I would say that.

Q. You also told his Worship about your movements on Boxing Day at the yacht club and you told us that instead of being on the water you were within the club on the deck watching the start.

55

A. Yes.

Q. I wanted to ask you to give us as much detail as you can about what you saw within the yacht club during the afternoon. What I wanted to ask you was to develop what occurred after yourself and Mr Fletcher about 2.30, 3 o'clock you were having a drink and then I think you said you were discussing the weather. There was a reference to a briefing by Clouds Badham. When was that approximately? 5
A. That would have been about 3.15 or 3.20 in conversation with Mike Fletcher and myself. The briefing with Clouds I'd probably have to defer to Mr Fletcher but it would have been around about 11.30 in the morning. 10

Q. I see, in the morning? 15
A. Yes.

Q. Before the yachts set off? 20
A. Yes.

CORONER: Q. What did he say at that stage? 25
A. Sorry?

Q. What did Mr Badham say at that stage? 30
A. I wasn't party to the conversation your Worship, it was just that Mr Fletcher advised me that he'd overheard the conversation between Mr Badham and the representatives of Challenge Again. 35

SANTAMARIA: Q. I just missed that, the representatives of? 40
A. Challenge Again, Lew Abrahams--

Q. Challenge Again, yes okay. You spoke about the press centre at the yacht club. Is that what others might describe as the media centre? 45
A. There was a caravan in the carpark and that's where most of the sort of press people go and send - make phone calls and write little notes and various things and there is a media centre which I think was upstairs. But there were a number of journalists and I distinctly recall the ABC radio bloke being there and that's - you know, a number of journalists sort of fiddling around outside the caravan. 50

Q. My note of what you told the Coroner was that you had just seen a copy of the storm warning, press centre, I don't recall who I got it from but I read it. Given your experience on the oceans as an oceanographer and also in conducting this race in previous years, you would know pretty well the difference between a standard warning issued by the bureau on the one hand and a special race forecast on the other? 55
A. Yes.

Q. When you referred to reading a copy of the storm warning, were you referring to a standard form priority storm warning issued by the bureau? 60
A. I just read the bottom little thing which said storm warning, that was enough for me.

Q. Yes, indeed. Perhaps I could ask you to assist the Court by - Mr Halls, I'm going to show you two documents. The first is a priority storm warning issued at 1414 on Saturday 26 December 1998 and the second document is a special race forecast issued or updated at 1450 on Saturday 26 December. Doing the best you can, are you able to tell his Worship which if either of the two documents you saw on that occasion? Do you want some time--

5

A. No, the first one, the priority storm warning.

10

CORONER: Q. Priority storm warning?

A. Yes.

Q. And you saw it in the press centre, did you say, the caravan thing?

15

A. The caravan, somebody from the press had it and I just - as soon as I saw the priority storm warning I went back to the table and made, you know, conversation with my wife and my guests from Darwin that boy, you know, we're in for something.

20

EXHIBIT #64 PRIORITY STORM WARNING ISSUED AT 1414 IDENTIFIED BY MR HALLS TENDERED, ADMITTED WITHOUT OBJECTION

SANTAMARIA: Q. Just a couple more questions about that. Having received the document, do you know whether there were other copies of the document about at the time?

25

A. No, I don't.

Q. Did you see the document - perhaps I should ask you, how do you recall coming to see that document?

30

A. There were a few journos sort of all standing around and a few of them who I'd known, they sort of said hullo and said have you got anything interesting. They said no and said here you are. I just looked at the storm - priority storm warning and went straight back to the table.

35

Q. Straight back to?

A. Straight back to the table with my friends, I said thank you.

40

Q. Let me ask you about discussion within the yacht club that you were party to or heard during that afternoon. Was there any discussion about the issue of the storm warning that you can recall?

45

A. No, just my conversation with Mr Bush which was general as he passed and ongoing conversation with Mr Fletcher, because we had been through this before, as he made the comment that, you know, you can thank your lucky stars you're going away tomorrow, you're not running this one and I said I you know sort of feel for those that are going to be involved. I can't recall whether I made other comments but I knew what was going to come out of it.

50

Q. Did your discussion with Mr Bush include a reference to the fact of a storm warning having been issued?

55

A. No. The conversation with Peter was that as he went past he sort of asked me how I was and when I came down and

I said how did it go out there and he said pretty good, he said they're going to be in a hiding tonight and I said - just said it's not tonight I'm worried about, I said it's tomorrow night, the next day when you see the weather forecast. That was the end of it. He was in a tribe of people going past.

5

Q. On your belief he would not have known about the issue of the storm warning at that time?

A. I don't believe so otherwise he would have commented further on it.

10

CORONER: Q. You'd have expected it to hit him like a ton of bricks with his experience?

A. Yes, I would have. It's one of those things that yachties just seem to do, the first thing they do is talk about the weather. If it's severe then it does get discussed.

15

SANTAMARIA: They're the only questions I have of Mr Halls. I wonder whether I could through Mr Halls tender separately, though it is somewhere part of the police brief, the log maintained by the Royal Victorian - the coastal patrol I beg your pardon at Eden which records at 1446 this note. Brett Gage called to see if we had received storm, gale and strong wind warnings, storm warning south of Merimbula (re Sydney Hobart yachts).

20

25

CORONER: Yes, that's reasonable.

30

EXHIBIT #65 LOG MAINTAINED AT EDEN TENDERED, ADMITTED WITHOUT OBJECTION

WEBER: Q. Mr Halls, you're obviously not trained as a meteorologist, correct?

35

A. That's correct.

Q. But nonetheless you consider yourself very experienced in matters pertaining to weather?

A. Yes.

40

Q. I think you said that - the thrust of your evidence was that there were - you had an understanding of the weather which was superior to a lot of scientists who were working in weather related areas, is that fair to say?

45

A. Yes it is.

Q. Are you familiar with Bass Strait weather?

A. Very much so.

50

Q. I think in your oceanographic work you've had a fair bit to do with offshore oil drilling platforms?

A. The majority of my work is offshore rigs, they're all around the world.

55

Q. Does that experience extend to the Kingfisher platform?

A. I actually did the flow lines and the installation of Kingfisher.

Q. That's off Lakes Entrance, isn't it?

A. Affirmative.

Q. How far out to sea is it?

A. It's 20-odd kilometres.

5

Q. Approximately how high off the surface of the water is the weather station on Kingfisher B?

A. I think Kingfisher B is 23 metres off the water from - about that height.

10

Q. It's the case isn't it that when one - that the wind speed data which is published by the Weather Bureau is a prediction of winds 10 metres above sea level, correct?

A. Yes.

15

Q. So consequently Kingfisher B provides a reading at an altitude higher than the 10 metres--

A. Has a sheer effect.

20

Q. --by some 13 metres. Do I take it from that that when you consider Kingfisher B weather data you discount the wind readings to take into account the fact that Kingfisher B is more elevated than the standard position from which--

A. I wouldn't normally do that for a structure such as that compared with Wilsons Promontory where I do know there is a significant difference.

25

CORONER: Q. You say you wouldn't normally read it down, Kingfisher B but you might on something like Wilsons Prom?

A. Yes.

30

WEBER: Q. Mr Hill asked you questions about a reading, what you would do if you had a reading from Wilsons Promontory at 71 knots, do you recall that?

A. Yes.

35

Q. He asked you that question in isolation from any other data that was available at the time. I think that in answer to that question concerning the isolated data, you said that you'd make some calls, one was to an oil rig, would that be Kingfisher B?

40

A. It'd be to the Esso operator who may put it through it through to Kingfisher or Bream or Tuna platform, any of those platforms.

45

Q. I didn't catch the other place you said.

A. Loch Sport.

Q. Loch Sport?

A. Yes.

50

Q. Where's that?

A. That's not very far from Sale, it's a limited coast station.

55

WEBER: Might the witness have access to exhibits 59 and 60, your Worship.

Q. Mr Halls, do you have before you the document which his Worship's marked as exhibit 59?

A. I have.

Q. That's a Victorian met bureau Bass Strait observation data page issued at 0655 on 27 December, correct?

5

A. Affirmative.

Q. You'll see there about halfway down the list of stations Wilsons Prom said to be blowing at 71 knots?

10

A. Affirmative.

Q. That is the document that Mr Honeysett referred to and that forms the basis of the question Mr Hill asked you, alright?

15

A. But I hadn't seen this document previously.

Q. You hadn't? Alright.

A. I had - sorry, I hadn't.

20

Q. You had not?

A. No, I had not.

Q. I think exhibit 60 is Mr Honeysett's statement?

A. Affirmative.

25

Q. I think appended to the end of it is a map, do you see that?

A. Yes.

30

Q. The handwriting on it is mine so treat that with the sort of caution that you should treat it. What I've tried to do is take what I thought was the relevant data off exhibit 59 and put it on to the map, so at Gabo Island I've put 14 which is what exhibit 59 shows, I think on yours I've got a PH which is Point Hicks.

35

A. Yes.

Q. Is that about the right spot for Point Hicks?

A. Yes.

40

Q. I put 17, see that comes off--

A. Yes.

Q. And then I've put LE for Lakes Entrance and I put down 9, see that?

45

A. Yes.

Q. And then KB is out to sea. Is that approximately right?

A. It's 5 - that's a degree, yes, about right.

50

Q. About right and I've put 41 because you'll see that's what exhibit 59 has?

A. Yes.

Q. And WP of course is Wilsons Prom?

55

A. Uh hmm.

Q. And I've put 71. And then with the help of my learned friend Mr Santamaria I've put W to the west of WP which is Wonthaggi.

A. Wonthaggi, yes.

5

Q. Is that about right?

A. I would have had it a little bit further around but that'll do.

Q. Close enough.

A. Yes.

10

Q. I've put 20 for that because that's what exhibit 59 has, and then King Island you'll see there below Port Phillip Bay?

A. Yes.

15

Q. I've put a 31 on that, a figure derived from exhibit 59 and then I've gone to the two northerly Tasmanian stations, Swan Island at 14 and Eddystone Point at 9, you see that?

A. Affirmative.

20

Q. Do you accept that--

A. Yes, the data transfer is in accordance with what's on there.

25

Q. And it's reasonably accurate data transfer. Alright. So if you'd have seen exhibit 59, we can take it can't we that you wouldn't have just looked at Wilsons Promontory in isolation?

A. No, I wouldn't have.

30

Q. You'd have looked for a pattern?

A. With all due respect I think that your meteorology is as bad as mine sometimes but I would have gone a stage further. I would have put on here the pressures and the wind directions.

35

Q. The wind directions are there.

A. Yes but they're very important along with the pressure gradient.

40

Q. Sorry, you would put those on the map?

A. Yes.

45

Q. Just on wind speed at the moment, you wouldn't have looked at Wilsons Promontory in isolation, would you?

A. No.

Q. You'd have looked to see how it fitted into a pattern, correct?

A. Yes.

50

Q. Now you know don't you that the weather station at Wilsons Promontory is particularly elevated?

A. Yes.

55

Q. I think it's elevated to the tune of 88.7 metres above

sea level, does that accord with your--

A. That's roughly right, or recorded as being, yes.

Q. And so on any view of it, an experienced person dealing with a reading from Wilsons Prom discounts the wind to reflect that elevation, correct?

5

A. If you're looking at it scientifically, yes. If you're looking at it from a practical point of view, no.

Q. I'm sorry, what's the difference?

10

A. The wind at 80-odd metres, I'm often dealing with structures that are that high so I do have a problem in working at 10 metres above sea level for a wind strength but I wouldn't discount it.

Q. You're not dealing with 80 metre high yachts are you if you're talking about the--

15

A. No but the sheer factor - a velocity of 71 knots even at Wilsons Promontory is enough to consider to me that even 15 metres below that I'm going to have a velocity that's very close to it.

20

Q. Alright then, what about at 78 metres below that, are you going to have 71 knots there?

A. Sorry, at 78 metres?

25

Q. Seventy eight metres below the reading at the station are you going to - do you say you'd expect 71 knots there?

A. Seventy eight metres below the level of the station, or at 78 metres above sea level?

30

Q. At 78 metres below the level of the Wilsons Promontory weather station do you say you would also expect winds of 71 kilometres an hour?

A. No.

35

Q. You'd expect significantly less, wouldn't you?

A. I would expect less.

Q. Significantly less?

40

A. No, I wouldn't say significantly.

Q. Have you any idea what the average maximum gusts at Wilsons Promontory are in January?

A. Not offhand.

45

Q. With your experience would you hazard a guess?

A. No, not without - I've had that much experience from there with data but over different times of the year.

50

Q. If I told you that the average maximum wind gust for January at Wilsons Prom was 135 kilometres an hour, would that surprise you?

A. The average wind gust?

55

Q. The average maximum wind gust.

A. Yes.

Q. It would surprise you?

A. Yes.

Q. That would translate into an average maximum wind gust for January for Wilsons Prom at 78 knots, wouldn't it? 5

A. Just run that past me again.

Q. One hundred and thirty five kilometres an hour equals approximately 78 knots, doesn't it?

A. That's about right, yes. 10

Q. Could you just look at this document sir. That document's obtained from the Weather Bureau's website.

A. Uh hmm. 15

Q. And it's the averages which obtain from readings at the Wilsons Prom weather station, you see that? Just go to the front page for the moment, you see that?

A. Looking at maximum temperature, minimum temperature, air temperature, dew point relative-- 20

Q. Just go to the preamble, it confirms that the weather station's some 88.7 metres above sea level, doesn't it?

A. Yes. 25

Q. And it says that they've been taking readings there since I think it's 1872?

A. Uh hmm.

Q. Then go over to the second page - I'm terribly sorry, go back to the first page and you'll see across the top of the page that it's set out by month, agreed? 30

A. Yes.

Q. Go the second page and go to the bottom figure in the series of data therein displayed. 35

A. Yes.

Q. I think that's maximum wind gusts?

A. Uh hmm. 40

Q. What's the maximum wind gusts for Wilsons Prom for January?

A. One hundred and thirty five point four. 45

Q. So the average maximum wind gusts at Wilsons Prom according to the Weather Bureau since 1972 in January has been 78 knots, agreed?

A. Doesn't - okay, yes, in kilometres per hour, yes. 50

Q. I take it that that information comes as a significant surprise to you?

A. I have a slight problem with this. We have an average yet we have a maximum wind gust. I think there is some wording in here that needs clarification. 55

Q. Doesn't say the average maximum wind gust?

A. No it does not say that, it says maximum wind gust.

When one records weather sir or wind direction one normally observes the wind over a period of time and records the maximum gust, the minimum gust and the average and that is what is usually logged.

5

Q. Do you interpret that as saying that the highest wind gust that there has ever been at Wilsons Promontory since 1872 in January is 135 - is 78 knots?

A. That's the way I would interpret that.

10

EXHIBIT #66 WEATHER BUREAU WEBSITE DOCUMENT TENDERED, ADMITTED WITHOUT OBJECTION

Q. If you hypothetically had been provided with exhibit 59 on the morning of 27 December 1998, you say you'd have rung oil rigs, correct?

15

A. That's one source of information, yes.

Q. Now that would have in all - that call in all probability would confirm - sorry, I withdraw that. If you actually had exhibit 59, you'd know what the readings were at 7 o'clock in the morning at Kingfisher B wouldn't you?

20

A. Yes.

Q. And that's 41 knots?

25

A. Yes.

Q. If you had previously seen a storm warning which was predicting winds of a low developing winds of 45 to 55 knots would a reading at Kingfisher B of 41 knots concern you?

30

A. Yes.

Q. Would it be other than confirmatory of the fact that the weather forecast at 45 to 55 knots was coming to pass?

A. Sorry, just repeat the question please.

35

Q. Would that not merely confirm to you that the forecast or the prediction of winds at 45 to 55 knots was looking like it was going to materialise into reality?

A. Yes.

40

Q. So the Kingfisher B figure would merely tell you that the Weather Bureau in its forecast had got it right, correct?

A. To some extent, yes.

45

Q. To a considerable extent wouldn't it?

A. Yes.

Q. If the fleet was already appraised of that forecast, namely 45 to 55 knots, would you see any need to advise them further of the Kingfisher B reading?

50

A. As I said, one would also need to have the forecast rather than the spot readings. One would also need to plot on here the pressure gradient. One would also need to plot the direction, to be able to form that opinion.

55

Q. But you wouldn't take Wilsons Promontory at 71 knots in

isolation, would you?

A. No, I wouldn't take it in isolation but it would make me - it would force me to become more aware of other things around me.

Q. You would take more - but that would force you to go for information which was more relevant to the fleet, wouldn't it? 5

A. Affirmative.

Q. And that information would be Kingfisher B, correct? 10

A. Not necessarily. I would need to produce as I said a map of the whole area.

Q. But one of the pieces of relevant information would be Kingfisher B wouldn't it? 15

A. Yes.

Q. You were asked various questions about Eden. What part can Eden play in coordinating search and rescue operations? 20

A. The procedure for search and rescue in New South Wales, in fact in all states, initially is instigated through the water police and they do have the charter for search and rescue operations. So one, they have a volunteer coastal patrol, they have a police station and they also have basically - I think they have a water police boat there. 25

Q. Let's just confine ourselves to Eden coastal patrol. What role can Eden coastal patrol play in coordinating search and rescue activities? 30

A. A very significant role.

Q. Can it communicate with search and rescue assets? 35

A. Yes.

Q. It can make contact with them, can it? 40

A. Yes.

Q. Isn't that the very thing that it did and got into trouble with ACA? 45

A. In '99 I believe that there was a problem, yes.

Q. The problem was - didn't the problem emanate from the fact that it was illegal for Eden coastal patrol to transmit to the search and rescue assets? 50

A. It was outside the limitations of their licence.

Q. Yes. Which equals illegal? 55

A. I have a problem with illegal when it's a life threatening situation.

Q. The answer to my question was yes, wasn't it?

A. No, it wasn't yes.

Q. Eden can provide useful facilities on the ground for crews who take shelter in Eden, can't it? 55

A. Affirmative.

Q. And the hospital can obviously provide medical assistance to such of those crews as require it, correct?
A. Yes.

Q. And that's the principal role of Eden in the overall scheme of things, isn't it? 5
A. Yes.

Q. You gave some evidence about what you consider to be the overload which was placed on the race frequency when the crisis emerged on 27 December, do you recall that? 10
A. Yes.

Q. You indicated that if you had have been in charge you would have split the fleet onto different frequencies, is that the thrust of your evidence? 15
A. Would have made the fleet aware that there are additional frequencies they could use.

Q. But would you wish to have the fleet on more than one frequency? 20
A. Most assuredly.

Q. If AMSA said to you that they wanted the fleet on one frequency, would that have any influence on your decision making in that regard? 25

A. I would probably discuss it with the coordinator at AMSA as to where all the assets were, where our fleet was and what other assets we had in place to be able to assist them and they might have reviewed it and then come back and maintained that we wanted to remain on 4483. I don't know. 30

Q. Assume they meant what they said and they wanted you to keep the fleet on 4483, what would you have done?
A. Kept the fleet on 4483. 35

Q. You gave some evidence concerning what would have hypothetically happened in your era in relation to Business Post Naiad's IMS certificate, do you recall that?
A. Yes. 40

Q. I think part of your evidence was that Bob Brenac handled that aspect of it?
A. Not him alone, no. It was handled by all of us but Bob had the initial-- 45

Q. You mentioned Bob and somebody else as having sort of the primary carriage of the processing of those--
A. It was the normal day to day operation of the sailing office and he and Elaine Gazzard were the two employees of the club that handled that. 50

Q. And he would know most about actually how that was dealt with at a hands-on level wouldn't he?
A. Affirmative. 55

Q. His evidence to his Worship was that if a vessel had provided a valid but not temporarily current IMS certificate

in his era it was that certificate which would be vetted by those who were assisting in the vetting process, you don't disagree with that, do you?

A. No, as long as I can - it would be vetted as being acceptable but not acceptable for entry into the race, we would have to follow that up. 5

Q. And then his evidence was that when the ultimately - when the certificate which was current in time ultimately arrived, it would be checked by him alone. You don't disagree with that, do you? 10

A. It wasn't checked by him alone, no.

Q. So you do disagree with him?

A. Yes. 15

Q. You gave some evidence about your expectation that in 1998 the southerly current would be running strongly, do you recall that?

A. Yes. 20

Q. That was derived from buoys - data which you could derive from buoys, is that right?

A. Yes, there are a number of oceanographic current buoys off the coast here for various operations which I can access data from. 25

Q. We've heard evidence from various crews that in their estimation the current was running at 3 to 4 knots. Is that consistent with-- 30

A. That's consistent with--

Q. With what you were - what your data was?

A. Yes. 35

Q. You were also asked some questions concerning the extent to which your organisation of Sydney to Hobart Yacht Races were reduced to writing, do you recall that?

A. Sorry? 40

Q. You were also asked some questions about the extent to which your organisation of the - organisational protocols for the Sydney to Hobart Yacht Race were reduced to writing, do you recall that?

A. Yes. 45

Q. You seem to have relied heavily on volunteers in a lot of aspects of the conduct of the organisation of the race, that's fair to say isn't it?

A. We had more volunteers than permanent committee members, yes. 50

Q. That volunteer system was based very much on personal contact between you and the volunteers wasn't it?

A. No, not necessarily. 55

Q. Not necessarily?

A. No.

Q. You indicated I think to his Worship that you saw the relationship with those persons down the south coast who were providing assistance to the club as being important?

A. Yes.

5

Q. And that it was important to foster the personal contact?

A. Yes.

Q. Did your work take you reasonably regularly through those south coast ports?

10

A. It did, I stated that in evidence.

Q. I beg your--

A. I have stated that in evidence.

15

Q. And so you were able to first have a pre-existing personal contact with a lot of these people, is that agreed?

A. Affirmative.

20

Q. And you were able to foster that personal relationship over the years to the benefit of the CYC?

A. Yes.

Q. You no doubt did that with stopping in and socialising with these people?

25

A. Yes.

Q. And making them feel part of the team?

A. Affirmative.

30

Q. Your dealings with them would tend to be at a personal level?

A. In the majority of cases, yes.

35

Q. Ring them up, I'm sending you down a kit or whatever--

A. Yes.

Q. --and that sort of thing because you thought it was important that the personal aspect of it all be--

40

A. I know it's important.

Q. You indicated that each year after the race there was a debriefing, agreed?

A. Affirmative.

45

Q. Out of that debriefing suggestions for alteration to the sailing instructions and notice of race would emerge?

A. Affirmative.

50

Q. And that those recommendations via the sailing office and sailing committee ultimately found their way into amended sailing instructions and notice of race for the next year?

A. Affirmative.

55

Q. So if anybody wanted to see what the latest version of the notice of race and sailing instructions were, they

merely had to go and look for last year's, agreed?

A. They were updated occasionally during the year, once the notice of race went out because that was locked in.

Q. But a new race director, if he wanted to know how the race the previous year was run, would primarily go to last year's notice of race and last year's sailing instructions together with any suggested alterations which had been made following the debriefing? 5

A. Affirmative. 10

Q. You say that there were some written procedures for the radio relay vessel, correct?

A. Yes. 15

Q. But beyond that there were not a coherent set of written protocols which governed the balance of the conduct of the race?

A. Yes there were and I've got copies of those. It wasn't in a document that was a permanent document such as a procedural manual for moving an oil rig or a disaster plan or something. 20

Q. So you say there were protocols in writing?

A. Yes. 25

Q. Concerning what subject matter?

A. Mainly communications and--

Q. Is that - can I stop you. Is that communications in addition to the manual in respect to the radio rescue-- 30

A. Yes.

Q. --the relay vessel?

A. Yes. 35

Q. Where were they when you left the--

A. They were - a meeting was held, minutes were kept and as far as I'm aware they were placed in folders marked Sydney Hobart 1992 or 1991 documents, race committee documents. 40

Q. Were these documents in minutes of sailing committees or were they--

A. Yes. 45

Q. --in stand alone documents?

A. No, quite a few of them were incorporated in minutes of sailing committees. The written reports which Mr Fletcher and myself would give went to the sailing committee, where they went to after that-- 50

Q. Would you think it was fair to describe minutes of a sailing committee meeting which contained recommendations of yours as a protocol concerning the way in which - a written protocol as to the way in which you administered the Sydney to Hobart Yacht Race? 55

A. Not fully, no.

Q. It wouldn't be fair at all, would it?

A. No.

Q. So I'll ask you the question again. Beyond the notice of race, the sailing instructions and the radio relay vessel manual, were there coherent written protocols prepared during your period which indicated the way in which the balance of the Sydney to Hobart Yacht Race had been administered by you?

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A. The answer is yes, there are protocols on communication, protocols on volunteers for starting and there was a protocol on emergency procedure.

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Q. Do they find expression other than in recommendations which were in the minutes of the sailing committee?

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A. Sorry, repeat that question.

Q. Did they find expression in a document other than the minutes of the sailing committee?

A. Yes.

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- Q. Could you describe those documents for us?
A. They were documents that were either typed up by Elaine Gazzard and they were kept on disk and there were paper copies distributed to various people, and I distinctly recall the disks being placed in plastic pouches in the back of the race director's file or the Sydney Hobart management file which were large springback folders. 5
- Q. And were they archived to indicate the year in which they'd been--
A. They archived with the indication of the year they were used, yes. 10
- Q. Would it surprise you if Mr Bush said that in the course of his work he searched the archives and found no such documents?
A. I had the same procedure in looking at archives and couldn't find them. 15
- Q. Did you have such documents at your place of work?
A. Not fully. I had the radio procedure document and I had disks with copies of what I'd given to Elaine to incorporate in these various things or what we had discussed at meetings with various subcommittees where it might have been. They weren't always attended by a minute secretary, and we kept notes and I'd do up a series of bullet points for her to go into a particular document and she would type it up in the process of her normal day to day operation. 20
- Q. Did you have copies of the documents which you believed were archived?
A. I have copies of two or three documents. As I said, I actually threw a lot of my stuff out in October 1988. 25
- Q. Well prior to 1998, did you have copies of the documents which you believe to have been archived?
A. Two or three documents I have copies of, yes. Not - nowhere near - probably 1 per cent, maybe 2 per cent of them. 30
- Q. One per cent or 2 per cent of what?
A. Of the documents, I would have a copy of. 35
- Q. Do you have any originals?
A. No. 40
- WEBER: Thank you. 45
- HILL: I just want to be absolutely certain from my learned friend Mr Weber that what was being put forward was that the average wind gust for January at Wilsons Promontory is 135 kilometres per hour. 50
- CORONER: Yeah, that is what was-- 55
- WEBER: That's what we--
- HILL: Then I do have to call a weather person because--

CORONER: Well no. The Bureau of Meteorology embarrassed us here. Can we accept something from the bar table?

HILL: The highest wind gust.

CORONER: Let's take the break, stand the witness down. That's the only re-examination? 5

HILL: That's the only re-examination.

CORONER: Let's take the break. We can have a discussion at morning tea time. I think we can reach agreement about that, I'm pretty sure. 10

<WITNESS RETIRED 15

SHORT ADJOURNMENT

CORONER: That question of climate averages, can we take it from the bar table? We've got the data and I think an explanation from the BOM or you on what advice you've got. 20

HILL: Well perhaps my learned friend Mr Stanley might say what his instructions are on that.

STANLEY: Your Worship, I would prefer if we could just delay it a little longer. Mr Lachlan from the bureau is on his way to the Court. I've had some instructions, a telephone conversation, but I'd like to clarify to my own mind by discussing the matter with him personally, and he will be here shortly. 25 30

CORONER: We've got the last half witness. How long roughly are we going to be? Is it worthwhile sitting through and finishing? You'll be a while with Mr Bush I imagine? 35

WEBER: Yes, but I think if I can answer your Worship's question, I think it would be worthwhile sitting through because I don't think my examination of the witness will take us if past one, much past one. 40

CORONER: Where were you up to? You'd finished?

HILL: I'm finished.

CORONER: So it's really Mr Stanley. 45

STANLEY: We're finished.

CORONER: You're finished? 50

HILL: Yes.

CORONER: It's just you?

HILL: Just-- 55

STANLEY: Sorry to disappoint your Worship.

CORONER: That's fine. Have you got your diaries, because we've got to plan the rest of the submission phase and so forth before we adjourn. If you haven't, get some instructions. We're looking at a period roughly - submissions for everyone but the CYCA by 28 August, and that's a big ask for the BOM I know but they've got two very competent counsel, one senior counsel and one very competent junior counsel, so I'm sure they can do it. And submission by the CYCA a week later. Mr Weber, I'll give you a week's grace because you're in everything. This is just a rough idea.

WEBER: What date is that, your Worship.

CORONER: That's 1 September. It's four working days, I suppose you'd say. We will then send submissions, cross-submissions, we'll send the submissions of everyone else to everyone else, and then I propose just before the Olympic Games to re-convene to allow very brief addresses on each other's submissions but not on your own. That's an unusual practice, but in the context of an inquisition I don't think it's unreasonable. I expect your submissions to be up front and made at the outset. You shouldn't need to alter them because of other ones, so we'll get round that by allowing you to address the other ones that you're not happy with. It's not mandatory that people come. If they don't want to address they don't have to address, that's fine.

WEBER: Does your Worship have available dates within the period where your Worship has in contemplation that we will re-convene?

CORONER: Yeah, I was thinking of 13 September. Don't the Olympics start about Friday the 15th? Yes? I would have thought around Wednesday the 13th. I think I will be extremely busy during the Olympics. I know I'm on sort of a standby for the whole month of September, but this is so important I think I can't leave it till October. I want to get those submissions in so that I can get to work on producing something hopefully in time for this year's yacht race. Whether it's going to be of use to the yacht race of course is another thing but at least I want to have a crack at it, so I'm hoping about early October. We live in hope.

<PETER HALLAM BUSH(12.19PM)
RESWORN

CORONER: Q. For the record your full name?
A. My full name is Peter Hallam Bush.

Q. And your address?
A. My address is 67 Holt Avenue, Mosman.

WEBER: Do you have anything else, Mr--

HILL: Nothing further.

CORONER: Q. Before Mr Weber gets up, Mr Bush, you heard

the evidence of the last witness?

A. Yes.

Q. You worked with him on the preparation of your paper, your report. Have you any comments to make in relation to the evidence you heard this morning?

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A. Not at this stage your Worship, no.

WEBER: Q. Mr Bush, do you have your report with you?

A. Yes, I do.

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Q. Do you have the exhibit 2, your statement which contains the detail as to the manner of implementation of the report?

A. Yes, I do.

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Q. Can you go to your report at page 155 and I think logically you should also open page 3 of the--

CORONER: I've got to find that, so just bear with me. The Bush report, which volume?

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WEBER: 13C for Charlie.

CORONER: Go on, Mr Weber.

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WEBER: Page 155 of the report your Worship and page 3 of the implementation document.

Q. When your evidence concluded on Thursday last you were giving some evidence concerning eligibility requirements for crew experience, and you dealt with the mandatory or the compulsory recommendations at the foot of page 154?

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A. That's correct, yes.

Q. And you'd come over and dealt with the compulsory recommendations on 155 up to the age limit of 18 years, and you will recall that you gave some evidence to his Worship that that was a recommendation which caused some angst within the club?

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A. It most certainly did, yes.

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Q. Could you tell his Worship about what has happened by way of implementation or non-implementation concerning the matters which you recommended in that regard at page 155?

A. In respect to the first point that a substantive race, we identified a race, we had prior to Hobart a 180 nautical mile race to Cabbage Tree Island which is off Port Stephens in New South Wales, should become a pre-requisite to competing in each year's event, and that 50 per cent of the crews for the Hobart race should in an ideal circumstance be on board for that event. In respect--

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Q. Was that implemented?

A. In respect to this, certainly the race for distance of 180 miles was implemented, but I understand the sailing committee felt that it was an onerous task perhaps to have that number or that percentage of the Sydney Hobart crew, given that crews do tend to change from time to time, and

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that I think also felt that the upgrade in the quality and requirements of experience of crews already made as a compulsory change probably underwrote the need to have that 50 per cent requirement in place, so that second part or that recommendation was not done.

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CORONER: Q. So was there a percentage at all or not? It was done away with?

A. No there wasn't your Worship, no.

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WEBER: Q. Do you have an expectation - but the first limb of the recommendation was made, correct?

A. It was.

Q. It was carried into effect?

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A. It was and in fact one boat chose not to do such a qualifying race and were quite embittered that they were not able to compete in the Sydney Hobart race. They were excluded.

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CORONER: Q. So that's now basically, until it's overturned by the committee, that is a pre-requisite of the Sydney Hobart yacht race is that you've got to compete in the Cabbage Tree Island race?

A. Or a similar race.

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Q. Or a similar event?

A. A similar event, absolutely.

Q. In that regatta season?

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A. Absolutely, yes.

WEBER: Q. Was the excluded vessel a vessel skippered by an inexperienced skipper?

A. It was probably one of the - in terms of cumulative Hobarts of the crew, probably one of the most experienced. I think most of them had in excess of 20 Hobarts each but - a very very experienced crew of the boat Southerly and they were excluded on the basis that the boat had not left the marina.

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Q. Did you have discussions with the skipper?

A. We did, we had a number of discussions.

CORONER: Q. I don't want to know who it is, but can you tell me what the attitude of the skipper was? Was it oh well look, I've done so many Hobarts, I really don't need this nonsense, or was it--

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A. I think your Worship there was a little bit of confusion between why the boat was excluded. I think the crew felt very much that they were being excluded on crew experience, but very clearly it was about the boat and the boat preparation and the boat's readiness to go along ocean racing, and the demonstration of that was that the boat would have competed in about a 200 mile race, and the fact that the boat didn't go was the issue, not that the crew was not experienced. They seemed to feel that their discrimination was much more focused on them as crew, so it

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was about the boat.

Q. Do you expect them back this year?

A. They - almost certainly yes, absolutely.

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Q. So it's worked.

A. I believe so, definitely, yes.

WEBER: Q. The next recommendation was that the yachts unable to compete in that race, the committee have a discretion to review its preparation and allow it. Is that in place?

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A. Yes, it is. And look, that was in place because there are for example boats that were not in a position to do the race. Another club may not have a calendar where there's a prescribed race. For example, somebody delivering the boat from Melbourne non-stop as an example may well be - had a very adequate qualifying trip and it seemed quite reasonable that committees should have a discretion to acknowledge that such a trip was fair and reasonable preparation.

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Q. The next was that new yachts must compete a minimum non-stop passage or race of not less than 200 nautical miles to be eligible for the race. Is that carried into effect?

A. In fact that was carried forward and ultimately the race winner of this event, Yendys, had to complete that 200 mile passage. They got five or six hours of a particularly savage southerly change and Geoff Ross, the owner of the boat who was a little put out at having to do the 200 miles but saw the reason for it, actually proclaimed it as a remarkable success for their crew because that part of the storm they had to sail through shook out a number of issues with the new boat and had them better and more adequately prepared to do the Hobart race.

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CORONER: Q. How did he do the 200 nautical miles? Did he use the Cabbage Tree race?

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A. No. The boat was brand new your Worship and was only - it was only launched you know, literally about two and a half, three weeks prior to--

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Q. So he just put to sea for 200--

A. Put to sea, I believe went effectively down to Jervis Bay which is you know, a couple of hundred miles south, and then back north of Pittwater somewhere.

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WEBER: Q. For those of us interested in trivia, Yendys is Sydney backwards isn't it?

A. Sydney backwards, yes.

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CORONER: Oh right.

WEBER: Q. The final recommendation in this topic is that the process of determining stability for non-IMS yachts be reviewed by the sailing committee. Has that been done?

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A. It has. The review committee were most concerned that there was a robust measure put in place for stability and recommended that the sailing committee look at it further,

and I did mention in evidence last week that the sailing committee in fact imposed that all yachts competing in the Hobart race provide a valid IMS certificate with an LPS of greater than 115 per cent or greater, regardless.

CORONER: Q. It's quite an expensive ask or demand isn't it for some of this? 5

A. Of the order of \$1,000 for about a 40 foot boat your Worship, yes.

WEBER: Q. If we could move on to the next topic, crew experience, education and training. Firstly, have all of the compulsory matters been carried into effect? 10

A. Yes, they have.

Q. Would you like to expand on them for his Worship? 15

A. The - your Worship, the CYCA developed in consultation with various manufacturers and suppliers, the Navy and others, the Bureau of Meteorology, a series of seminars. One of those seminars is a series of lectures. Included in that seminar is a representative of the Bureau of Meteorology who talks about weather forecasting, and talks about interpretation of forecasts and talks specifically about the kind of weather patterns that are experienced or should be experienced during a Sydney Hobart yacht race. We talk about - and we've had somebody from Sydney TAFE lecturing on man overboard recovery strategy, the various options and techniques and equipment available under those circumstances. We also talk and have a number of experienced sailors at that particular seminar talking about heavy weather strategies in sailing, how to prepare your boat, how to prepare your crew, the type of clothing you wear, some of the strategies that can be employed. 20 25 30

CORONER: Q. Use of drogues, sea anchors, things like that? 35

A. Using drogues, sea anchors and all the various equipment that is available to you under those - under those circumstances. A second seminar is about life raft deployment and helicopter retrieval. The helicopter retrieval is - and sail techniques are run by the Royal Australian Navy. Captain George suggested - or mentioned that his men were there. They actually have about a 40 minute lecture with - which is computer aided, and then they have been using a mast - sorry, an Etchells kind of boat lifting crane which they use to simulate the chopper winch, and they retrieve people from the water so that everybody can see, and so they see those techniques and understand how they fully - how they operate. At this same seminar, a life raft manufacturer provides a lecture on life rafts. They inflate the raft and a number of swimmers go in, invert the raft, re-right it, demonstrate how the various pieces of equipment in the raft are used, and to date - and then the final - the final seminar is a lecture on flare deployment and then some practical firing flares out between Sydney Heads in Sydney, and these seminars have been repeated-- 40 45 50 55

Q. Is that in Sydney Harbour?

A. Sorry, yes your Worship.

Q. I was on a ferry last--
A. Sunday week, yes.

Q. --Sunday week and I saw a couple of flares not far apart.
A. Correct.

Q. That was it?

A. That was it. That was part of it, yes. These seminars have been run at the CYC. They've also been run at Sandringham Yacht Club in Victoria. They've also been run at the Royal Yacht Club at Tasmania. The speakers have varied. For example, in Tasmania they had one of the local rescue helicopters actually come and do a live rescue of people out of the water in front of the club, so they had the helicopter there, so it has varied. And to this date, including the seminars that we ran prior to the Sydney Southport race last week, just over three and a half thousand people have now gone through each of these seminars. And when I say each, they've gone through each of the three and have received a certificate of attendance.

Q. So is it fair to say that most of the sailors and skippers have embraced the education programme?

A. Yeah, I believe absolutely. I mean I think there's - it was very unusual. I think Mr Halls earlier made allusion to the point that the yachties invariably talk you know about the weather. It's quite a change in culture I believe genuinely to see these guys talking about safety equipment and talking about choppers and gee I didn't know that about the life raft, and quite a change in the culture.

WEBER: Q. Just dealing with choppers - sorry Mr Bush, have you completed what you wanted to say about the implementation of the compulsory--

A. Yes I have, thank you Mr Weber. I'm sorry no, I do apologise. Also the provision of a safety booklet, which is the AMSA booklet, which is part of this submission, which covers much more than those things that are already covered.

WEBER: The witness refers to attachment 6, your Worship.

CORONER: Yes, attachment 6 it is.

A. And that's been - that book is made available to all attendees. It's also - it was also provided in each of the satchels at the Sydney Hobart race briefing last year to be taken on board, so there was an expectation that one of each of those books would be on board for ingestion by the crew.

WEBER: Q. You mentioned helicopters. Has the club taken any steps to set in train processes whereby the various helicopter rescue authorities might adopt standardised rescue procedures?

A. Other than our conversations or exchange of letters with Mr Collinson, no we haven't, but that certainly is regarded during the briefings by the Navy as being a critical issue, and certainly in the report, from the discussions that we

had with the various crews, one yacht in particular found it quite a conundrum that two different rescue services lifted them, and the first group of the crew being collected saw the method that was employed and the second group, when the second chopper came, thought they understood how they would be rescued and they used quite a different technique, and so we feel very strongly that the rescue services need to get together and standardise not just for the Sydney Hobart yacht race but for search and rescue in total, standardise chopper rescue procedures.

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Q. In the course of that answer you mentioned Mr Collinson. Did you mean to refer to Captain George?

A. I do. I do, Mr Weber, I do apologise.

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Q. Not at all. Then on page 156 there are recommendations concerning education and training. Could you tell his Worship to what extent those recommendations have been carried--

A. We recommended that all crew should attend seminars. That was originally not made compulsory. When the committee framed these recommendations it seemed to be a terribly onerous task from the beginning of July to December to actually develop such courses and get some twelve or fifteen hundred crew, which is typically the total crew number for Hobart, educated in at least some basic way, so it was believed that if at least a third could be so educated it would be - would be useful. That's been upgraded for the next race to 50 per cent and it's also I believe been employed across category 2 races for all CYC races as well. And as I mentioned, some three and a half thousand people Australia-wide have now done - attended the course.

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CORONER: Q. And they get the certificate in the end and that's it, they accept--

A. The certificates are only valid for three years and they will have to come back and attend another set of courses. Our view was that techniques may change and equipment may be available, standards could change and it would - they would be valid--

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Q. You set very very onerous obligations it seems to me.

WEBER: Q. Anything more beyond what's written that you wish to draw to his Worship's attention about the recommendations in relation to crew experience, education and training?

A. I believe not.

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Q. All right then, well let's move to the next topic. Yacht safety equipment. The first species of compulsory recommendations is to do with safety harnesses?

A. That's correct.

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Q. Were those compulsory recommendations in relation to safety harnesses carried into effect?

A. Certainly they were. The first to replace by seven years was in force. Harnesses are made with manufacture

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dates so they can be inspected and are inspected during safety inspections. They are stowed, and you heard I believe some contrary evidence in suggestion to stowing harnesses in watertight containers.

Q. You're referring to Mr Green's--

A. To Mr Green, and he and I did agree to disagree on that. Our advice during the work we did on the committee and talking to manufacturers, they were most concerned that sunlight and being exposed to contaminants in bilge water, for example diesel, were major issues, so that separating them from those contaminants seemed to be most critical and so we chose that method or this course.

Q. As I recall Mr Green's concerns, it was that if the gear wasn't properly washed in fresh water there was a possibility in watertight containers that you'd get mould?

A. Correct.

Q. And deterioration as a consequence. Have you taken that into account in your decision making?

A. At the time we did not and I can add no further view at this stage.

CORONER: Q. Well you're faced with one choice or the other, aren't you?

A. We are, yes.

WEBER: Q. But I take it that notwithstanding what you've heard from Mr Green, you're happy with going with the way manufacturers have recommended?

A. At this point in time most certainly, yes.

Q. Next is the ease of operating harness clips. Have you taken steps to cause that to be further investigated?

A. Yes, the CYC wrote to - and I believe they're part of the submission - wrote to ISAF and the Yachting Association of New South Wales requesting that that be done.

Q. And finally, the carriage of additional harness tethers for a third of the declared crew for use in heavy weather.

A. That was and is - remains a requirement.

WEBER: Just before I go on to the next topic your Worship, the witness gave some evidence about the educational seminars. Those have been videoed and are part of the tender. I just remind your Worship.

Q. Mr Bush, then on page 157 we come to the compulsory recommendations concerning life rafts. Have those all been carried into effect?

A. Yes they have, and those requests have been made and I understand that the AYF is working with the international authorities and watching what's going on here.

CORONER: I hope one of the benefits of this inquest is that something will be done about life rafts, to make something suitable for vessels of this size compatible with racing and

much safer than what seems to be the present alternative.

WEBER: Q. Mr Bush, the regime of requests that you've set out on page 157 as I understand it involves a club taking requests to the AYF with a view to the AYF taking them to the international body. Is that correct?

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A. That's correct, yes.

Q. Do you see any risks of Australia trying to go out on its own in relation to life raft standards?

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A. I think perhaps the Australian market from a purely commercial standpoint, the Australian market is really quite small and the Australian market for racing yachts is perhaps you know quite small in the world, and if we were to set a standard that was prescriptive to a point that put us outside a world standard or something close to a world standard, it may make them either terribly expensive or no manufacturer would be necessarily interested in making it to that prescribed standard.

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CORONER: Yes, I can see the problem.

WEBER: Q. Is that a problem generally in relation to all species of safety equipment?

A. I think it's probably in relation to some species of safety equipment but I think life rafts perhaps might be a stand out.

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CORONER: Q. They're an expensive item in any event.

A. Yes.

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WEBER: Q. Unless there's something more that you'd wish to draw to his Worship's attention concerning your requests to the AYF in relation to life rafts, could we move to the compulsory recommendation in relation to other miscellaneous safety equipment. Could you--

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A. Yes. The first one relates to size of storm sails and that was referred to the technical committee of ISAF.

CORONER: Q. What was the problem you saw with the size of storm jibs and trisails?

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A. The crews during interviews and also from the extensive questionnaire that we sent out generally reported that they believed - and I believe if my recollection is correct about 45 per cent reported that they believed their storm jib or their trisail was too big. My discussion with sailmakers and with a number of designers suggested that it was not so much a genuine problem as a perceived problem, and that really comes about that it effectively doesn't matter how small the sail you have up in some 50-odd knots of wind, it knocks the boat to a point on its beam ends or onto its gunnel if you like, which is sort of a natural point where the wind can start to spill out, so in breezes of 50 or so knots, the view of the sailmakers and the boat designers was the sail size doesn't matter. I think our committee was of the opinion not dissimilar to those experts' opinion offered to us, but nonetheless felt that it was worth having a higher, more technically capable body just review that.

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WEBER: Q. The recommendation concerning the sheets be spliced on and permanently attached to the storm jibs and trisails, was that carried out?

A. Yeah, this was done. During storm conditions your Worship it's exceedingly difficult to set sails and a number of crews reported that tying sheets on when everything was slogging(?) was difficult, and that is now enforced as part of the safety requirement.

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Q. And your recommendation concerning the specification of webbing jacklines, has that been carried into effect?

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A. It has, and in fact the CYC took a more onerous position and said that webbing would not be acceptable for category 1 races and that Spectra, which was both stronger and stretched less, would be enforced and that in fact has been done.

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Q. Could you remind us what Spectra is?

A. Spectra is a synthetic rope material with very very high tensile strength.

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Q. We've heard a number of occasions that the waterproofed hand held VHF is compulsory?

A. Waterproof hand held VHF is compulsory.

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Q. Can I - sorry, I didn't mean to interrupt you. What were you going to say?

A. And I was going to say and in fact was used in the latter part of last year's race where a boat was dismantled and used as their only last means of communication, so it did prove an effective means of additional communication.

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Q. His Worship's heard some evidence concerning the desirability of there being a spare ship's HF antenna on board. Do you disagree with that, the desirability of that?

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A. Yeah, I agree wholeheartedly with the desirability, and I think I pointed out to Mr Hill last week that that was probably an unfortunate oversight of the committee that a second ship's or a spare ship's VHF aerial be available or an emergency one, yes.

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Q. There's been a suggestion in the evidence that in certain circumstances that spare antenna might be used to replace the antenna on the hand held VHF, with an attachment.

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CORONER: With an attachment.

WEBER: Q. Do you have a view about the desirability of doing that in any circumstances?

A. Yes, I'm personally opposed to it for several reasons. The first is that the idea of a waterproof hand held VHF is about its mobility, the ability to grab it very quickly to use it in awkward situations one hand. You can imagine the sort of situations something like this could be used where you're either in a liferaft or in a dismasted boat and having a second device would be cumbersome. In addition to that, under the same circumstances actually plugging in an aerial, perhaps having to remove in some brands the existing aerial, unscrew that and screw in a new one is cumbersome if it's dark, if it's raining, if there's fatigue I think risks breaching the integrity and therefore the usefulness of having a stand alone easy convenient unit and so I'm personally opposed to having that.

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Q. Just on an allied subject, would the majority of yachts in the 1998 fleet have had their antenna on their mast?

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A. At a guess and I am guessing, my expectation would be probably 50 or 60 per cent probably had mast mounted VHF antennas and 40 to 50 per cent would be a separate whip aerial.

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Q. That's a whip aerial at the stern?

A. At the stern, that's correct, yes.

Q. And the final - I'm sorry, the kapok filled PFDs?

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A. They were outlawed.

Q. And perhaps if you'd just take us through the balance of them in your own time?

A. The balance, there was a particular inflatable device called a John Boy brand, a danbuoy(?) is a long pole your Worship that has a flag on top to help - that floats some metres above the water to help locate a person that's gone into the water. This particular brand, a very large number if my memory's correct, something like 18 of them, were washed overboard and inflated during the course of the event just due to wave actions. The importer reacted very rapidly and prescribed in fact and developed a new bracket and that bracket along with a piece of velcro which was easy to be used was also insisted upon on top of the new bracket by the sailing committee and that has been--

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CORONER: Q. As far as you know now with the modifications - the stowage modifications they could probably use the John Boy brand?

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A. And they are being able to be used. The yacht's primary EIPRB was moved to a 406 and the one per liferaft if required either a 406 or a 121 but not in addition to the

ship's EIPRB. The CYC did write to the AYF requesting that a protocol be developed for the use of EIPRBs. It's my understanding that we still don't have a prescribed protocol for EIPRBs and that would still remain to be a useful thing to do. Four white parachute flares were made a requirement in addition to the existing flare complement and I can also report that a boat failed to report on two consecutive skeds during the 1999 race was asked to fire a white flare to help locate their position and this method was in fact proven to be most effective. White flares were prescribed purely and simply to avoid the confusion of people setting off red flares which had been the previous practice. And at least one of the ship's batteries should be a gel or closed cell which is a battery that being inverted would not empty its contents. That was in fact done and for this year's race that will be mandated to all batteries.

CORONER: I've read that, that's in.

WEBER: Q. And that's to stop the possibility of there being battery acid in the bilge? 20

A. Also - yes I mean that as the number one safety requirement but also to have a mechanism that if a boat was to be rolled or lose its mast and you know to make sure the battery is still robust enough to start the engine and run communications equipment, so it was in fact twofold. 25

Q. If you think you've adequately explained those implementations, could you go to the recommendations that are set forth on page 158, starting first at the grab bag. 30

A. Okay, the concept of a grab bag is something that has not been adopted so a grab bag per yacht has not been enforced.

Q. As compulsory? 35

A. As compulsory. Nor has it been the second point one per raft. However, as a safety inspector I have noted that a number of yachts have of their own volition provided themselves with grab bags with various pieces of equipment on board. 40

Q. Are you aware of the rationale for not making the grab bag compulsory?

A. No I'm not.

Q. Do you have one with you? Do you use one yourself? 45

A. I do quite a bit of two-handed sailing and a requirement of the Two-handed Association is that you carry such a device. It's basically a waterproof bag in which you keep some of the ship's equipment, the hand held VHF radio, some flares, you know, perhaps a survival suit, some Sylooms and a number of things that you believe could be useful. 50

Q. The idea as I understand it is so that there's no decision making in the crisis about what you need to take with you? 55

A. If there was an emergency in which you need to leave the boat, all that equipment is stowed close to the exit and

able to be grabbed rapidly.

Q. The recommendation that 50 per cent of the crews competing have carried out a survival at sea marine survival course or similar. 5

A. No, that was not made compulsory but I also believe and I guess I have a view that the comprehensive nature of the program instituted by the club I think goes a long way to answering this one. 10

Q. Is it proposed that the content of the club's internal education process be continually reassessed and upgraded? 10

A. Absolutely and that's part of the reason that you have to be re-certificated every three years, on the basis that things can and will change. 15

CORONER: Q. So that's really the alternative way - you see it as the alternative way of proceeding, either you relax that a bit and have the survival at sea course or you make that pretty stringent with renewal every three years? 20

A. Absolutely.

Q. And do away with the survival at sea obligation?

A. Absolutely. 25

WEBER: Q. Then I think we've dealt with ship's batteries. Is that right?

A. We have, yes.

Q. Towing bridles? 30

A. Towing bridles I believe were not seen to be needed to be compulsory for the purpose that Spectra jacklines that would now be on a boat would very rapidly and very easily - they're certainly the right strength, the right diameter and the right length to make a very rapidly engineering to a purpose made towing bridle so that was seen as a very simple and easy substitute. 35

Q. Now the topic upon which we've heard quite a deal, drogue sea anchors or para-anchors. What's been done in that regard? 40

A. These were not made compulsory. The view of the committee in considering whether these should be a recommended or a compulsory item, there was very strong evidence during the interviews from the crews that makeshift devices were very useful. 45

Q. Could you give his Worship some examples of the sort of improvised devices that were used?

A. Certainly. Sword of Orion-- 50

CORONER: A spinnaker.

A. --I think I mentioned deployed their primary anchor, their chain and warp and they reported that on doing this it kept the bow of the boat very efficiently and effectively into the seas and reduced their rate of drift by their estimation by about 50 per cent and they found it to be I 55

think quite central to reducing the amount of water that came on board the boat and so it proved to be very efficient and effective. One of the other boats that was rolled deployed, and the name just escapes me for this moment, deployed a spinnaker in the water in the same way. I think there have been aerial photographs well shown of that, that proved equally as efficient, so these things did prove efficient.

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WEBER: Q. ID numbers on the foredeck?

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A. ID numbers on the foredeck, the current safety requirements are that each yacht has to carry a spare sail on them and so in a sense that is there and available for deployment in an emergency circumstance. However, the identification - and I will support the identification numbers on the deck of a boat as being a fundamentally good idea.

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Q. Finally the request--

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CORONER: Q. Just before you leave that, you do support ID numbers clearly on the deck, on the foredeck?

A. ..(not transcribable).. yes.

Q. I imagine they'd be a fair size and they'd be in some material that makes them permanent to the boat, or semi-permanent?

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A. Yes, they could be--

Q. I used the example of the livery of a police car is sort of - you can take it off relatively easily but by the same token it's permanent, you know what I mean?

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A. Yes.

Q. The same type of concept?

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A. Yes.

WEBER: Q. Onto page 159 Mr Bush, the final one is a request for an Australian Standard in respect of liferafts. I think you've already dealt with that haven't you?

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A. I believe we have covered that Mr Weber, yes.

Q. The next topic is personal safety equipment as distinct from the safety equipment on the vessel generally. Have the compulsory matters that you set forth there been carried into effect?

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A. Yes, they all have now personal strobe lights rather than high intensity lights and personal dye markers are part of crew equipment and are spot checked prior to each race.

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Q. Are the random checks carried out on the morning of the start?

A. Yes, they are and in fact for the Southport race which began last Saturday similar random checks were carried out on those particular devices specifically.

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Q. I think his Worship's heard some evidence about in some races, comparable races in the world, there are random

checks at the conclusion of the race. Do you have a view about the desirability of those?

A. As somebody that had such a check in Coffs Harbour at the end of the Coffs Harbour race it was an onerous task given that it was a long race and we were frustrated getting there but those sort of checks are certainly available and certainly in last year's Sydney Hobart race the race committee had the option, had a prescribed option, to post-check boats up until I believe 2 January, so that option does exist in the current notice of race sailing instructions. 5 10

Q. Can I just take you briefly away from your recommendations to a factual matter arising out of 1998. His Worship's heard some evidence that a yacht named Gundy Grey was the subject of a safety inspection and yet ultimately it was discovered that she sailed with, and I hope I get the numbers right, a crew of seven but a liferaft which was only capable of carrying six. 15

A. I believe that's correct, yes. 20

Q. Have you looked into those circumstances?

A. Yes I have.

Q. Could you tell his Worship what you discovered and what's been the upshot of what you've discovered? 25

A. We asked the owner of Gundy Grey to please explain the circumstances and whether or not - whether our understanding of the deficiency of crew numbers and liferaft was in fact correct and he indicated that it was. He also sent a number of statements from his crew and himself to us as to why it had occurred, which was a mechanical issue to do with the liferaft fitting the chocks on the boat and determining of his own volition that a liferaft deficient in numbers or capacity was preferable to carry to one that was the right size that didn't fit his chocks adequately. As a result of that explanation being inadequate and also that individual operating outside the rules, we advised him that he was no longer welcome to sail with the CYC fleets. 30 35 40

CORONER: Q. Indefinitely?

A. Indefinitely.

Q. Because I suppose at the end of the day he's leaving himself open to a risk of manslaughter. 45

A. I guess so, yes.

Q. If one can't get into the raft and dies.

A. I mean I think that's, you know, most serious. I mean you can't imagine a much more serious breach of safety rules if you think about it, it's a terribly bad-- 50

Q. It's a gross issue, isn't it?

A. It is. 55

WEBER: Q. At the risk of being accused of leading, was part of the decision making to do with the fact that the race administrators are heavily reliant on the fact of the

sport being self-policing and skippers doing the right thing?

A. That's correct, yes.

CORONER: Q. Word about that sort of thing would get around though, wouldn't it? 5

A. I'm sure it does your Worship, yes.

HILL: Q. I don't want to interrupt my friend on that but I think that in fact that liferaft was actually washed overboard as well, they lost that liferaft? 10

A. I don't recall Mr Hill, I'm sorry, no.

HILL: There is evidence on that and they still kept on, I think. 15

CORONER: Maybe they were in a no win situation by that stage, what are they going to do? Go back to a following sea or something, might be better to keep on. 20

WEBER: Q. Can I just jump you back, I'm sorry for doing it Mr Bush to 158 about this topic of drogues and sea anchors. Is that topic touched upon in the heavy weather sailing seminar? 25

A. Yes, it is. 25

Q. One theme that seems to emerge about the yachts that came into significant difficulties in the race was that as a class they tended to be yachts which had turned and attempted to have their stern to the weather? 30

A. Certainly there was very strong evidence from the questionnaires and the discussions with yachts that heading back to port placed them in significantly more peril from the seas and the wave actions than a course that was continuing generally to Hobart, yes. 35

Q. Is that topic a topic of discussion at the heavy weather sailing--

A. It most certainly is. I personally do a section on that or have done a section talking about the techniques employed by yachts during the 1998 race specifically and talk in detail about those sorts of techniques, yes. 40

Q. Can I again just take you away momentarily from your recommendations to ask about a not unrelated topic that's come up in the evidence yesterday. Mr Thompson gave evidence to his Worship that one of the things that he took into account when considering whether he might abandon the 1998 race was his perception that when you - if you were to tell a crew or a skipper that the race was to be abandoned, there was a risk of some description that the crew and the skipper might let their guard down and that the most experienced helmsman might go below and a skeletal crew remain on deck and everybody else go down to take rest. He said that he personally experienced that in 1993 on a vessel in which he was sailing. Do you recall such an incident? 45 50 55

A. Yes I do.

Q. Do you think it's a reasonable - perhaps you could explain to his Worship what happened?

A. First and foremost if I may answer the question, I think there is a general relaxing of standards is perhaps not the right word but I think there is a general relaxation of the crew who are in race mode and trying to push the boat to the best of their ability in a race and I'm not talking about, you know, in necessarily tough weather conditions but you're there, you're racing, you're trying to do your best, you're trying to beat your competition and so I think there is a mindset about the race and being competitive. I think once a decision is made to withdraw and that withdrawal may be in fact because there is no wind as was in fact the case during the last 24 hours in the Southport race. I think there is a general relaxation on the boat and quite understandably. The incident to which Mr Thompson refers in the 1993 yacht race, I was the owner of the 17 metre boat, yacht Rager. We were probably some miles down the Tasmanian coast, probably some 50 miles off - probably 50 miles from the top of Tasmania, sorry. We had been racing in very strong winds, average 45 to 55 and we'd certainly seen gusts in the mid 60s over a very sustained period, in fact those conditions had prevailed since Wollongong so it'd gone a long way. We had three primary helmsmen, three of us had shared the primary responsibility of steering the boat. We were running relatively short watches. We were quite tired. The conditions were such that it was fatiguing. When we did some minor damage to the boat, we took a decision to withdraw and that decision - with that decision we put our number four helmsman, who was fresh, who was a reasonably competent steerer but had not been steering during the race because of his competitive capability. We also reduced the numbers on deck from sort of 50 per cent of the crew during racing mode to I believe about a third of the crew. We had a crew of I would think 15 for that race, so we reduced the numbers on deck and put our number four helmsman on. Within about an hour of turning around, having withdrawn, we were hit by a very, very large wave and knocked down very severely as a result.

CORONER: Q. I take your point but surely if in the circumstances of the conditions in 1998 if the call came out to withdraw and you were in really bad seas, you'd surely be looking to - you'd be vigilant, surely? I mean things had dropped, hadn't it at this stage?

A. Your Worship, I believe people would remain vigilant. I guess all I'm suggesting in my experience is from withdrawing from races myself over the years I can certainly say and I have a very strong view that there is a general--

Q. Relaxation?

A. --a general relaxation and often your principal helmsman for example that has been steering in very difficult conditions as they prevailed in '98 may well be forced, despite the fact that he may be or a number of them may be better steerers, you know, and the fact that you have turned around and are no longer racing may precipitate, you know, a decision to say let's put somebody less competent on,

potentially unwittingly.

Q. But when I hear the evidence of some of these boats that did get into difficulty in this race, there was no - one was turned around but the others were just trying to survive and I think racing, they weren't thinking about racing. I suppose another way of looking at it is they had withdrawn to all intents and purposes.

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A. I would not disagree in principal that boats in winds in excess of you know the 45 to 55 knot range, even if racing, are in a kind of a preservation mode, trying to preserve the boat, minimise the--

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Q. If you're in that mode, you'd be keeping your senior steerers on, wouldn't you, surely, if you possibly could? If you're in that mode, preservation mode, that's what I mean?

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A. I mean I think it's likely but I don't believe that it's always the case and certainly in my own example in quite severe conditions we actually put a number four helmsman--

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Q. It was still quite severe?

A. We were in winds of 55, we were seeing gusts of 60 and we were in 30 foot seas, so - but this helmsman was still quite an experienced helmsman.

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Q. Yes but not top of the range.

A. Not top of the range.

WEBER: Your Worship, as usual my estimates of time are wrong. With that caveat and doing the best I can, I think possibly another half an hour. I'm in your Worship's hands.

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CORONER: No, we'll bat on.

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WEBER: Q. Alright Mr Bush, we were at the middle of page 159 at the recommended for personal safety equipment. Could you tell his Worship whether those recommendations have been carried into effect?

A. The first recommendation on buoyancy vests has not. I must say that the buoyancy vests are not prescribed safety devices, they're not a PFD Australian Standard approved device and therefore, you know, a crewperson would wear them at their own risk. The reason this device is in there is that John Quinn who was overboard in the '93 race reported this device as being particularly useful for him other than a PFD1 which would have provided more buoyancy. It was his express view that having a little less buoyancy enabled him to dive under waves when they came and was instrumental in him being able to keep his breath. We thought that these were therefore quite worthy ideas. I tested personally a whole series of lifesaving devices, dare I say in my backyard swimming pool, not ideal conditions, and this was a device that I personally found to be amongst the most satisfactory and I don't sail these days offshore without wearing one.

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Q. Just going back to the reasoning for not mandating them,

is it because you thought it was unwise to mandate the use of something which wasn't approved?

A. Absolutely. We did not mandate personal EIPRBs and I went into some detail on that I believe last week in that the system can only read 10 personal EIPRBs and we thought that 10 EIPRBs 121 until such time as the satellite system became more sophisticated, it was potentially a dangerous move. Inflatable PFDs with integrated harnesses, that was not mandated. However, my own observations on boats buying personal safety equipment and from the inspections I've been doing, there is clearly a move by owners and individuals to purchase these devices, I think they are seen by the yachting community as being an ideal solution.

Q. Personal flare packs?

A. Personal flare packs were not mandated. They're illegal in New South Wales. I think you also get to a point where if you start to look at the equipment that we're now asking an individual crewperson to carry, a strobe light, a dye marker, some we know are carrying personal EIPRBs, most carry a knife, a torch and other things, you're starting to carry an awful lot of equipment onto a boat. These were seen in the kind of nice to have area and certainly since they were illegal in this state didn't seem to be a particularly wise thing to prescribe.

CORONER: Q. What do you say about again personal EIPRBs? They're not - there's no harm with them but you feel it's unwise to make them mandatory with the state of the technology?

A. The state of the technology, yes.

WEBER: Q. On the basis that in a crisis--

A. In a crisis.

Q. --in a 1998 type crisis it could be quite counterproductive?

A. It may well have been extremely counterproductive, yes.

Q. You didn't mandate retroreflective tape on crew personal clothing?

A. No.

Q. Why was that?

A. There are two reasons for that. One is that if you acquire today new offshore racing equipment it is liberally covered with retroreflective tape and we believe that that's probably adequate. However, it is mentioned in the heavy weather sailing seminars.

CORONER: Yes, so it's a matter of choice.

WEBER: Q. Let's go then to compulsory recommendations concerning safety inspections. Are the yachts required to deploy their storm jib and their trisail at the start?

A. Yes they are and they have been since the Southport race in July last year.

Q. What about the two recommendations on the top of page 160?

A. The Cruising Yacht Club has not taken responsibility for all category 1 safety inspections. However, as a surrogate(?) does do spot checks of all boats and I believe for this Hobart will in fact take full responsibility for the safety checks. The sailing office I know also put in a substantive effort in getting paperwork in on time, much to the chagrin of a number of skippers who failed to see that supplying prescribed paperwork on time might add to the safety net of the event. My own observations would suggest that the improvement is very, very substantial, something like 95 per cent of the paperwork was in on time.

Q. Now, the compulsory matter concerning yacht construction. Has a reference been made to the international technical community of the ORC in relation to decks, hatches and windows?

A. Yes it has.

CORONER: Q. You're waiting for a reply?

A. We're waiting for a reply and copies of the letters are in the submission.

WEBER: Q. Now jumping to the topic of communications and the compulsory elements of it, have each of - perhaps you could take his Worship through those and indicate whether they've been carried into effect?

A. Yes, each of them has. One of the problems in '98 was that a number of boats that retired we were unable to provide people enquiring about their whereabouts knowledge of that because they failed to report when they actually got into port and given that that was heightening concerns both for loved ones and for the management of the event, we've enforced that and that has in fact been done. Yacht names were reduced and have been and will be in perpetuity to a maximum of two names to limit radio operation confusion. A 24 hour listening watch was imposed on VHF 16 and two new radios were put into the radio relay vessel. I think in my submission I suggested they were 200 watt radios, they were in fact 150 watt radios.

Q. So there's two of them?

A. Two, yes, with two separate radio teams.

Q. We've heard that there was a difficulty with the preparedness for the voyage of one of the back up radio operators. Has that problem been taken on board?

A. It has. The radio operator that we got was a professional operator at a Telstra radio - a Telstra coastal station and that person had no experience at sea and became quite ill and unable to fulfil her duties for most of the event. We have on standby for this year's event a veteran 25 year Hobart racer who does not suffer seasickness and has the relevant licences.

Q. Could you continue on?

A. The radio facility at the Royal Yacht Club of Tasmania

installed a new radio. They are in the process of building and completing the remote aerial farm and that aerial farm will in fact service HF and VHF on the east Tasmanian coast for 52 weeks of the year and that has all been done.

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Q. Is the new aerial farm in operation yet?

A. I believe it was due to be operating by the end of July but I have no further knowledge to know that it is actually operational. The next point, a satellite telephone was provided for the radio relay vessel.

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Q. Yes, and the final point?

A. And the final point, the sailing instructions were as I say changed so that the Royal Yacht Club of Tasmania radio facility could take over as required.

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Q. There has been some evidence about search and rescue radio procedures, primarily from Mr Collinson. Is the radio operator's handbook part of the safety inspection which was checked off?

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A. Yes it is.

Q. And was that the case in 1998?

A. Yes it was. It has been for as many years as I can remember ocean racing.

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Q. Additionally as I understand it there are stickers that are required to be placed below decks near the radio equipment which deal with distress radio procedures?

A. The licensing requirements are that two stickers are provided in various formats but I think they're printed by AMSA. One has the hours of use of the emergency frequencies and the other has the protocols to be used in case of a mayday call.

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Q. Can I just show you two documents sir.

A. That's them.

Q. Are they the stickers to which you refer?

A. They are, yes.

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Q. Were they required to be adhered to the - to below decks near the radio in 1998?

A. They are required as part of the radio licence, whether or not - they certainly weren't part of the radio inspection requirement in 1998.

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Q. But to your observation were they below decks in yachts in 1998?

A. On many boats that I saw they were, yes. As to whether or not they were on all boats I couldn't be certain.

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EXHIBIT #67 STICKERS REQUIRED BY RADIO LICENCE TENDERED,
ADMITTED WITHOUT OBJECTION

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Q. There's been some evidence concerning the fact that not only need the crews be educated in matters relating to radio and indeed the weather but also the race committee needs

similar education. Do you subscribe to that view?

A. It would not be inappropriate for the race committee to have that kind of education, no.

Q. Does your report deal with that topic? 5

A. No it doesn't.

Q. But you would support it?

A. I would certainly support it, yes. 10

Q. I think that takes us to page - we were on page 161, we've dealt with the satellite phone and we've dealt with - have we dealt with the last--

A. I believe we're down to the recommended. 15

Q. Could you take his Worship through the recommendations and indicate whether they've been carried into effect?

A. We know a number and I can't testify how many but a number of yachts had satellite phones. We believe it's something like about 20 per cent. 20

Q. And then the next recommendation?

A. I've talked I think - I believe about installing the two new radios on the radio relay vessel, 250 watt radios. 25

Q. And then I think - then over the--

A. And then the two radio crews, yes.

Q. Yes, that takes us over the page to 162. The next recommendation, real time tracking, is that where satcomsea or as it's sometimes referred to as satcom Charlie fits into the equation? 30

A. Satcomsea devices were fitted to all competitors for the 1999 race and will be again this year. 35

Q. Were you in Court to hear Mr Green's evidence about satellite communications?

A. Yes I was.

Q. I think it's fair to summarise his evidence that quite rapidly satellite communication will make HF radio communication redundant? 40

A. Yes.

Q. Do you share that view? 45

A. I mean in broad terms yes, technology moves very, very quickly.

CORONER: Q. With the caveat that there's a need to be assured that that has happened before you throw the baby out with the bath water. 50

WEBER: I was about to come to that, your Worship.

A. I'm actually a bit of a traditionalist here your Worship I think that maintaining an HF radio coverage on the Hobart fleet for the foreseeable future is-- 55

CORONER: Q. You would feel more comfortable with an HF radio going?

A. Absolutely.

CORONER: Fine, leave it at that.

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WEBER: Q. Now, to the subject of administrative procedures. Has the race committee developed formal documented protocols and systems to facilitate the efficient and effective control of the yacht race to your understanding?

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A. I believe it has, yes. They've produced a race manual that covers specifically each of the roles and responsibilities and where additional ones have come up they were supplemented in memo form and those are in the submission.

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Q. And you - I'm sorry, I didn't mean to interrupt you.

A. No, please go ahead.

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Q. And you saw the need for them to be perpetual subject no doubt to updating from time to time?

A. I think each of these documents as indeed the report itself are done at a moment in time with the available facts and capability and should always be reviewed and the sort of process that Mr Halls referred to--

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CORONER: Q. The sailing - in the New Year and all that?

A. --New Year, those procedures are absolutely still in place.

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WEBER: Q. When you conducted your review, did you go through the club's archives to see what was in place by way of formal documented record of procedures in the past?

A. We went back as far as 1992.

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Q. Did you form a view about the quality of the archiving generally while in that process?

A. I think in fact I even make note of it in the report that virtually all the documentation that we went looking for we were able to find somewhere in the archive facility, yes.

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Q. Did you find anything in relation to the pre-1995 era that would meet the description of formal documented protocols and systems for the effective and efficient control of the Sydney to Hobart Yacht Race?

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A. No I did not.

Q. Because of its obvious importance, could you take his Worship through the bullet points on page 162 and 163 concerning race management administration and procedures?

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A. The first is that there is now a very comprehensive race management manual, that has been developed by the club and is part of this submission. It prescribes all parts of that management procedure. There is a fully documented and detailed crisis management plan. That plan includes prescriptive mechanisms to minimise various activities

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happening. I heard I guess Captain George suggest that that was not part of the crisis management plan but indeed it is.

Q. There was a witness and forgive me but I can't identify him who suggested that the commodore or the vice commodore was the person who inevitably under the crisis management plan would take charge. Is that right?

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A. There is in fact a detailed crisis manager who is appointed. In fact--

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CORONER: Q. What's that person's relationship with the race control team?

A. In the event of a crisis, the crisis manager I believe as prescribed by the manual takes control of that particular crisis.

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Q. Which may in effect mean that person takes control of the race?

A. In that circumstance, yes.

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WEBER: Q. Is there anybody at the club who has been trained to take up that position in the event of a crisis emerging?

A. For the last two events that the CYC has run, the Southport race just recently and the Sydney Mooloolaba race just prior to Easter, a past commodore who has done Hobart races and understands the procedures of the club in fact attended a crisis management course run I believe by the Federal Government and is about to do a second one and has taken that on.

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CORONER: Q. I take it the plan hasn't had to be implemented yet?

A. Fortunately, no.

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CORONER: One hopes it won't for - it won't, okay.

WEBER: Q. Whose responsibility is it to call the crisis, to nominate the situation has arisen?

A. The crisis management manual is very specific about what constitutes a crisis and it's a member or - a member of the race committee may do it if they were in isolation at any given time, if they were on watch one up(?) or any member of the race committee.

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Q. Have you contented yourself with the race management manual and crisis management plan incorporates strategies for Eden, Hobart, Sydney and the management of enquiries from next of kin, the press and the public?

A. Yes, they do. In fact the crisis management team, for example there was a mobile team that were stationed during - at Eden consisting of four people during the 1999 race. There were additional phone lines both in the Royal Yacht Club of Tasmania and in Sydney to be able to handle calls and teams to do so. There were significant numbers of briefings involving the police, the authorities on the New South Wales coast, the various coastal stations that were done largely by the sailing manager I believe personally by

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Phil Thompson in most cases.

Q. I deliberately left off the last item in the bullet point 3, auditing. How does the race management manual deal with the topic of auditing? 5

A. Auditing has been done by a member of the club's audit and planning committee and I believe in the case of last year's Sydney Hobart race he conducted random and unannounced audits on three occasions for the 1999 race. I understand that he has also conducted audits of the sailing office for the Mooloolaba race and recently for the Southport race. 10

Q. Let's get specific. You're obviously familiar with precisely what occurred or didn't occur in relation to the processing of Business Post Naiad's last provided IMS certificate? 15

A. Correct.

Q. How would that certificate now be processed under the new regime? 20

A. Under the new regime it has to pass under three separate inspections.

Q. Can you detail them? 25

A. I'm sorry?

Q. Could you detail those three inspections?

A. There's the process of receipt of that document requires a signature of an individual and then it goes to two other individuals who are members of the vetting or auditing committee to be checked and they check specific things on each of those certificates and I believe on an IMS certificate it's the stability and the validity and the fact that it's been signed, I think they're the three key things they look for on the certificate and that's what they're checking. 30 35

Q. Are the areas of responsibility of each of the checkers made explicit and in writing? 40

A. They're certainly made explicit and they are detailed in the race management manual.

Q. Could you go then to the bottom bullet point on page 162. 45

A. Yes.

Q. Are you content that the adherence to guidelines has facilitated--

A. There's been a very substantial improvement but it's quite clear that there is some frustration I believe in the sailing office about some skippers or boat managers being difficult to get their paperwork in on time. 50

Q. Do you anticipate there's going to have to be a cultural change within the yachting fraternity? 55

A. I believe so. I mean I believe there's a mechanism in the notice of race to impose a financial penalty. I don't

know that that's necessarily the best penalty, I think it's going to be a cultural issue really to get these things changed, an education process so that the yachting community can understand that the risk for safety of not having paperwork in on time is substantial.

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Q. The next point is the need for clear definition of the authority and responsibility of the race committee and those areas of authority and responsibility be clearly understood by each member of the committee.

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A. I believe that's been done efficiently and effectively through the race management manual and the crisis management manual.

Q. Are you content that in the event of crisis the manual is such that the race committee's responsibilities are confined to managing the race and assisting the search and rescue authorities?

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A. Yes I certainly do.

20

Q. And that in those circumstances ancillary matters such as dealing with the media - sorry, I didn't mean that in any disrespectful way, that other matters such as dealing with the media or next of kin be handled otherwise than by the people in the height of the crisis?

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A. Yes, I think one of the intents and one of the outcomes of the changes are that the race committee manage the race and the on-water activities and that these ancillary matters are clearly passed over to people that are not involved with the minute to minute operation of the event and that's very clearly prescribed and it is a very clear outcome of what's been implemented.

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Q. Your report exposed the need for those on shore who are related to or friendly with the crew being provided with up to date information. What has been done to make the system more robust in that regard?

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A. I think there are several things. One is a simple thing of additional phone lines, both at the Royal Yacht Club of Tasmania and in Sydney and a more robust internet site. There's also been a mechanism put in place for management of enquiries where for each yacht what is called a boat buddy has been designated, so if there are ten crew one of the relatives of that crew would be designated as the boat buddy and that boat buddy would in turn be provided with the names of all the other next of kin from the other nine people and that person prior to the 1999 race was telephoned in the ten days prior to the Sydney Hobart race to confirm that they were the person, that they had the names and phone numbers of all the other participating crews' next of kin and relevant contact numbers, particularly over a period when many would be on holidays and that if that boat were to get into difficulty they would be the prime contact--

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CORONER: Q. They'd be called upon--

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A. --in the CYC--

Q. --to provide some data?

A. And would be called upon to be the spokesperson for those other nine people and that worked very effectively in fact:

WEBER: Q. And finally has a computer disk containing yacht details including a colour photograph of each relevant yacht been provided to AMSA? 5

A. Yes it was along with a hard copy and I believe there's a hard copy in my submission. 10

Q. Are there any other matters that you'd wish to bring to his Worship's attention concerning either the way in which your report's been implemented or alternatively in respect of any other matter in which you believe there could be improvement? 15

A. No, I don't believe there is, Mr Weber.

CORONER: Is there anything arising, Mr Hill?

HILL: Yes, there are some arising. 20

Q. Mr Bush, nothing great but is it possible to have a copy of the race management manual?

CORONER: Yes. 25

HILL: Q. That may be useful--

A. It is part of this submission.

WEBER: It's part of the exhibit. 30

HILL: Q. It's part of--

A. It's in the annexure as crisis management ..(not transcribable).. 35

Q. Okay, so it's in the annexure--

CORONER: Okay, that's all we need I think.

HILL: Q. The other thing that I wanted to know was at page 163, the first bullet point there, the second sentence I believe it says in the event of a crisis. Is a crisis defined? 40

A. Certainly in the crisis management manual there are a series of events that have been deemed as precipitating the convening of the crisis management team, so they are in that respect yes, clearly defined. 45

Q. Where do we find that?

A. In the crisis management manual.. 50

Q. Right, so that's in there as well?

A. That's in there.

Q. So it's particularised, is it? 55

A. It's quite--

Q. I haven't had time to--

A. It's quite specific, for example a man overboard, a mayday call, an EIPRB, quite specific.

Q. The other thing I wanted to ask is that you know that, I've said it a few times, Mr Mooney and Mr Halls are doing some submission on liferafts? 5

A. Yes I do.

Q. Now the reason that Mr Halls was asked to do it was because he was on your report. Do you want anyone in addition to put - to help with those submissions? 10

A. I mean I think in the safety environment generally I made the point this report was produced with a set of resources at a point in time with the knowledge available at that time. If there are other resources that we can prevail upon to help then most certainly we would look to those. 15

Q. What I was really asking was whether you want someone else to join with Mr Halls and Mr Mooney?

A. That would certainly be useful. Who that might be-- 20

Q. I'll leave that invitation open as it were so that you will be able to sort of take it up if you so wish.

A. Thank you. 25

CORONER: Q. The crisis management is attachment 18 and I take it the race management is attachment 15?

A. Correct, your Worship, yes.

STANLEY: Your Worship, can I clarify the position with respect to-- 30

CORONER: You don't need the witness in the box?

STANLEY: No I don't. 35

<WITNESS RETIRED AND EXCUSED

STANLEY: Exhibit 66, the climate averages produced from the website by my learned friend this morning. My instructions are to the effect that 135.4 kilometres per hour is the equivalent to 73.2 knots and that is the highest maximum wind gust recorded at Wilsons Promontory in the month of January between 1988 and up to 1996, so for that eight year period, it only covers that eight year period. 40 45

CORONER: '88 to '96.

STANLEY: That is the highest, so 73 knots is the highest ever recorded in January. 50

CORONER: Can I put on exhibit 66 just before maximum wind gust, just in brackets '88 to '96?

WEBER: Yes. I don't doubt it, I'm just - so it's the highest gust in that eight year period. 55

STANLEY: In that eight year period. In the eight Januarys

between 1988 and 1996 73.2 knots was the highest wind recorded at Wilsons Promontory.

CORONER: I never did agree with - I could never see Mr Weber's suggestion but by the same token it is not clear from the document that that's what it refers to and that's a deficiency in the document. On my reading of it, it's the highest gust ever recorded in January since 1890-something or other.

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STANLEY: It's for the period up until 1996.

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CORONER: That's clarified that.

HILL: One thing I'd like to clarify as well on this document Mr Coroner is this, that in fact everybody's talking about January, it must be remembered the month we're looking at is December, 27 December.

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CORONER: That's true.

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HILL: You'll see that the wind was not 135 kilometres per hour but 131. Therefore--

CORONER: Yes but it's the end of December.

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HILL: --I think that 71 was the highest that had been recorded in that--

CORONER: That's true but we're right at the end of December.

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HILL: I'm indebted to my friend for bringing it to our attention.

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CORONER: Christmas weather.

WEBER: Can I just one matter and I realise - it won't take a second. Mr Hill made an offer to Mr Bush about recommendations and your Worship might have found it strange that there's been no evidence led to date about what's proposed arising out of the evidence. We propose to deal with what the club intends to carry into effect in any event arising out of the evidence, we've heard by way of submission.

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CORONER: I understand that, I accept that. I'm not going to be wasting time making recommendations that are either implemented or going to be implemented. My idea is to steer clear of any of that and make recommendations if necessary in areas where I see them as necessary. Simple as that. Hopefully there will be very few recommendations.

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WEBER: That's the way we propose to deal with it, your Worship.

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CORONER: Before we leave this place, I thank the bar table for its assistance in this matter so far.

W1130 262/00 RMB-B1

DISCUSSION AS TO SUITABLE DATE FOR WRITTEN SUBMISSIONS AND
TIME REQUIRED FOR ORAL SUBMISSIONS

ADJOURNED FOR FINAL SUBMISSIONS TO WEDNESDAY 13 SEPTEMBER
2000

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CERTIFICATION OF TRANSCRIPT

I, We the undersigned being (a) Sound Reporter(s) do hereby certify that the within transcript is a correct transcript of the depositions sound recorded at the New South Wales Coroner's Court in the matter of in the matter of

INQUEST INTO THE DEATHS OF JAMES MICHAEL LAWLER: MICHAEL BANNISTER: BRUCE RAYMOND GUY: PHILLIP RAYMOND CHARLES SKEGGS: JOHN WILLIAM DEAN AND GLYN RODERICK CHARLES

on 2 August 2000

Dated at GOODSELL BUILDING
this 9th day of August 2000

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