

DETECTIVE SENIOR CONSTABLE GRAY

Q1 - - - the Cruising Yacht Club of Australia, Rushcutters Bay, Sydney, on Thursday, the 11th of February, 1999. Also present and seated to my right is Senior Constable Dave Upston from New South Wales Water Police. As I've already explained to you, Steve, Dave Upston and myself are making inquiries in relation to the 1998 Sydney to Hobart Yacht Race.

A M'mm.

Q2 We've been tasked to speak to various people who were involved in that race either directly or indirectly and crews. And that's why we're here today to speak to you in relation to your involvement with Team Jaguar.

A Right.

Q3 For the record could I just get you, please, to state your full name?

A Steven Jack Burnet.

Q4 And your date of birth?

A 16th of June, 1959.

Q5 Your current address?

A 19 Imperial Avenue at Gladesville.

Q6 And your occupation?

A Is a production manager.

Q7 For Meadow Lea?

A For Meadow Lea Foods.

Q8 The time on my watch is 4.10pm. I wonder if you can just take me through any sailing experience that you have, what sailing experience you do have?

A My sailing experience is I've been sailing for approximately 20 years, I've done, the last Hobart race was my eleventh race, Hobart race. I've done other numerous coastal races up, up and down the eastern coast of Australia. So, and various other races with the club.

Q9 All right. Now, how did you become involved in Team Jaguar last year?

A I've sailed with Martin James who owns the boat, since 1992 on his previous boat, then when he bought Infinity 3, it's now Team Jaguar, Infinity 3, I just came along with him, so -

Q10 Right.

A I had a fairly long association with him.

Q11 Now, in regards to your position on the boat.

A My position on the boat is navigator and what I do around the buoy races is, I'm the pit man, which it hoists and lowers the spinnakers and genoas.

Q12 Right. Now, as a navigator what's your role basically on board the boat?

A To keep position of where we are, especially in the longer races, to do the radio skeds between the boat and either the radio relay vessel or base, wherever that may be.

Q13 O.K. So far as the crew experience on Team Jaguar last year, fairly good?

A Yes, we had 18 people on board, the crew experienced, the crew experience ranged from people that had, have

been sailing for 20 years plus, had done numerous Hobart races, down to, we had one, one girl from Eden, Melissa who was brand new to the race, we had a couple of other people who were doing their first Hobart race as well, but, yeah, reasonable experience in the boat.

Q14 Now in relation to the weather that was experienced on this occasion and considering you've had, 11 previous Hobarts?

A M'mm.

Q15 How would you compare it?

A I'd compare it as my worst.

Q16 Right.

A I, my first Hobart race was '85, so, I missed the so-called '84 race, and in the other bad race, 1993 I did a Coffs Harbour race. So I, I did not experience those two so-called previous bad ones.

Q17 Right.

A But, '85 and '86 were fairly, were fairly bad, we had some pretty bad crossings of Bass Strait, but I feel that this one here is the worst one that I've, that I've been in.

Q18 Insofar as wave heights, are you able to give us some estimation of the some of the waves that you - - -

A Some of the waves, when I was on deck, would have been 10, 15 metres from where I was to where I was looking at the crest of a wave.

Q19 And so far as wind speeds, did you - - -

A Wind speeds, after our dismasting, we had no wind

indication, but, I was, I was steering at times after we were dismasted and immobilised, we were trying to keep the boat in a direction and I found it hard sometimes to stand up against the wind. It was, I was leaning into the wind to stand, to stand against it, so, that's more than, your normal gust.

Q20 Can you estimate the speed or only what you've heard?

A No, I, I, I know I've been in gusts of, of 50 knots that I've, that I've seen registered on the gauge and it was, it was more than that. So, O.K, all I can say is it was more than that.

Q21 Yeah. O.K. Now, so far as the storm's concerned, did that come on rather suddenly, so far as you're concerned?

A The storm happened, we knew the storm, a southerly front was coming via the radio and the reports we got here that the morning of the race, we knew there was a southerly front coming through that night. We could see as we progressed down the coast, we could see the cloud formation coming towards us so we knew that, that there was a, there was an imminent southerly coming. The wind went from north east to north west, so at that stage we then, that was some time late that evening of Boxing Day, just on dusk that we would have taken down our kite, our spinnaker and put up a headsail, because we felt that once it had one through to the north west it would just flick around to the south west. And it built, it built gradually, we went through that night,

put in two reefs in our mainsail, had gone down to a number 5 headsail, the next morning we were, at one stage we had dropped, dropped the headsail, sorry, dropped the mainsail because the wind gusts actually went, went past 40 knots. But then we felt comfortable again, we put the mainsail back up still with two reefs in it. And we were feeling quite comfortable, we had two reefs and a number 5 headsail up the next morning. And we were fairly well upright. The breeze was upwards of 40 knots, 45 maybe. And, and then at around about 10.30 that morning our mast broke. One of the guys who was on deck, I was down below at the time said that one of our, a bit of our rigging had broken and that led to the mast breaking. We've since seen on, on video, we had a Channel 10 cameraman on board, that when the mast did fall over the boat, the mast broke originally above the first spreader, when on the, on the video you can see that there's part of the bottom starboard spreader is missing, the outboard section of it, so whether the spreader broke, the broke, something, something broke, but that's - - -

Q22 Mm.

A - - - that's actually on video.

Q23 That's on video?

A Mm.

Q24 O.K. O.K. So what happened after the mast broke?

A After the mast broke, O.K, I was down below, we got people, we got everyone on deck, we had to cut away the

mast, the rigging, that was done, it took a bit of time, it's a fairly substantial mast, the rigging, the rigging screws at the base were a little bit misformed, so it took, I don't know, it could have been an hour to actually to get it all away. When we felt happy that the rig had gone we started our engine and turned around and I gave a, a heading back to Eden.

Q25 All right.

A And then at that stage then there were three people on deck, the rest of the people, we had a number of people who were seasick, they were down below. And then off we went to Eden.

Q26 And then -?

A And then I was, I was down below, and then the boat seemed to be on its side quite a while, we got quite a torrent of water down through the companionway and then Tim Messenger who was, who was one of the guy, he was steering, he was on deck, yelled down to us that both the other guys on deck had been washed overboard by this wave that had turned us upside down and, so we raced up, one of the guys had been able to get back on deck himself, and the other, Tony Eginton we, he's a fairly large guy, and I said, "What the bloody hell were you doing over there?" It took probably four of us to pull him back. And at that stage the motor had stopped, it had, the wave had washed a lot of ropes out of the rope bags and Tim was still up on deck, and he said, "Well, why did the motor stop?" And, "Was it

just because we were inverted or", and then I'm pulling ropes in and I had one rope that I, that there was some resistance with, so, then I called down below to people to look down through our inspection hole on the shaft, and there was a rope had been washed down and around the prop, prop shaft, so that's what stopped the motor.

Q27 O.K. And what happened after that?

A At that stage, O.K, we worked out that, O.K, we're stopped, we went to then contact the radio relay vessel to tell them our situation, with the ingress of water in the boat we had probably ankle deep, a bit more, of water down below, it's a fair amount of water in, in our, in our boat. It had gotten into the radiators and we, we didn't have, we weren't able to transmit or, or receive anything through both of our radios. It was then discussed as to, well, what are we gunna do. Martin James, the owner of the boat, it was discussed with him, him being the owner and the skipper, as to, O.K, we've got a few options. Option 1, we just sit it out. Option 2, well, we, to let people know that we are in a situation, do we set off our EPIRB and after a bit of a discussion it was, it was decided that we would set off our EPIRB, to let people know that, O.K, we were in need of some assistance, the conditions were fairly bad, at that time we were being blown probably in a north easterly breeze, the wind was coming from the south west. After that we, I was on the radio, we then were able to get some reception and we had heard

through the radio relay vessel that, they put out a call and asked for all boats to please check their EPIRBs, because they've got one going off, and we, we said to ourselves, well, O.K, someone knows we're out here, and it was some time after that that we actually were able to transmit to the boat Sword of Orion, they were actually then acting as a relay vessel between, for us, between us and the radio relay vessel. Now, I was communicating with them and I told them that, yes, it was us who had put our, put our EPIRB on, we were, had been rolled over, we had no motor, no mast, that situation, so then it whatsoever, once we told them our approximate position we then, we then turned the EPIRB off.

Q28 O.K. Keep going.

A After talking, we were talking through Sword of Orion, it was after that that through the guys pumping the bilge was either getting more water out of the boat or the radios just drying out themselves, that we were then able to contact the radio relay vessel ourselves, so we didn't, we didn't then use Sword of Orion. We were talking to them, talking to the radio relay vessel and they asked us, at that stage, well, they could organise through the local police authority a commercial tow and they said to me that we can arrange the, a commercial tow which means that you may have to pay for it. My exact reply then was, "I don't care", I was on the radio, the conditions were getting pretty

bad out there, and I thought, well, if somebody's gonna come out and tow us in, I'll, so I, I said that to them. They came back a little while later, it was after that that I handed the radio over to one of the other crew members because it was then that a few more people had gotten, come down with sea, seasickness, that it was only Tim Messenger and I who were able to steer the boat. We tried to keep the boat in a northerly, facing north, which we were side on to the seaway and the wind, and without a mast we were riding the waves fairly well, it was only the big ones that were breaking that, sort of skewed us around, did funny things to us. I was up on deck and then I heard back through the guys down below that they had arranged, that there was a boat in the vicinity that would come out and, and tow us in. And I thought, bloody marvellous, get me out of here, this is, this is not nice. So then I'm thinking that, well, I hope he gets here before dark because it's gonna be a terrible thing to, to try and hook up a, hook up a tow-line before, or while it's dark, and we then, he was trying to find us, the position we were giving off our hand-held GPS was apparently incorrect. He was looking in the wrong spot for us. Since then I've, I've taken that GPS off the boat, the hand-held GPS and found out that if you're not out in the open the bloody thing doesn't work properly. So, that's a bad lesson learnt. We then went through that night, we were in communication with

the radio relay vessel between them and the Moira Elizabeth, they had asked us to put up a white parachute flare for a position, we didn't have any white parachute flares because the safety requirements don't ask us to carry any. And that's one of the things that I've written in as, as a, a thing that we should change in our safety regs for the club. So then they asked us to, O.K, we didn't have a white one, they asked us to fire off a red one, after passing the red one upstairs with people being inexperienced in firearm, firing off flares, it took some time and I said, what's taking the time, I, I had never fired one neither. Grabbed the flare, looked at the instructions, in a hurried situation you to read, read them, I admit, I got 'em stuffed up, I broke the first one, grabbed another one, broke it again, the firing mechanism, the third one I got off. Because I don't believe the instructions are clear enough in that sort of a situation.

Q29 All right.

A Or, I haven't, I haven't experienced firing one off. We fired off one, the Moira Elizabeth didn't see us, didn't see the flare, and we just kept going on through the night, firing off numerous flares, either parachute or hand-held. I was down below when the guys upstairs said that they could see the Moira Elizabeth, Moira Elizabeth had us on radar and they tried to hook up, it was about 3 o'clock in the morning, 3.30, that was

unsuccessful or too dangerous, they decided to stand off until it got daylight. I was back up on deck before daylight. I was on deck when they came back again, we finally hooked up and got us under tow. And that was at 5.30 in the morning. And then off we went, I stayed on the helm then for a couple of hours and then went down below for, for a sleep.

Q30 O.K.

A Then I woke up in flat water and I thought that was quite nice.

Q31 O.K. From your experience is it fair to say that if you know there's a southerly coming and it's, I'll withdraw that. If you're told that there's winds 35 to 45, is it reasonable to add another 10 in circumstances - - -

A In my experience, yes.

Q32 Right. O.K.

A That you will experience winds more than 45 knots.

Q33 Right. O.K. Now, so far as communications were concerned, were you happy with the communications, so far as the transmission, the receiving, other than your damage?

A Other than our damage, yes, we, we had a weather report before we left the dock in the morning, we'd been given a weather report early. The guys at the weather station, which is just outside this window here, came back and said that there is going to be another, another update shortly and they came back with a higher

wind prediction than was, than was first put out. So we knew we were gonna have, you know, it was more than 40 knots, whether it was 40 to 50 I can't exactly recall, but we knew we were gonna be in for a fairly heavy, heavy southerly blow that, that first night.

Q34 Right. Are you aware if a Mayday from called from Team Jag?

A It wasn't called, there, there was no Mayday called.

Q35 Was there a Pan Pan called?

A No.

Q36 O.K. Did you, whilst you were monitoring the radio and whilst it was in operation did you hear any Maydays from Business Post Naiad at any stage?

A No.

Q37 Right. Did you hear any communications with Naiad?

A No.

Q38 O.K. I believe you had communication with the Sword, Sword of Orion?

A Yes.

Q39 O.K. Did you hear anything on the radio from Winston Churchill at any stage of your journey?

A No, I was, I was, I was either up on deck - - -

Q40 Yeah.

A - - - or basically asleep or half awake down, down below.

Q41 All right. Now so far as the EPIRB's concerned, would it be protocol to let an EPIRB off for the purpose of just letting someone know that you've got problems, or

is there a strict, do you need to have, what I'm saying here is, do you need to have something serious happening at sea or, or to life to let that EPIRB off, that's all I'm asking you, from your experience, in hindsight?

A In hindsight, well, to, well, we discussed that we needed to let somebody know that, that we needed assistance. O.K, we knew it wasn't life-threatening at that stage, we'd suffered damage to the deck and we were not able to, in those conditions, not able to put up any jury rig at that stage.

Q42 What's a jury rig?

A A jury rig is that with our mast on, we had a couple of spinnaker poles, we could have put up, with the ropes that we had on board, put up a mast, sort of a, a tripod arrangement that we could have hoisted a sail if the conditions weren't as bad as they were. We could have put up a substitute type mast to get some sort of sail going to get us somewhere.

Q43 O.K. Now being a member of Team Jaguar crew are you aware of the, the stability rating of the vessel?

A The actual rating I couldn't, I couldn't tell you, the actual number, but, yes, I know there is a stability rating of the boat.

Q44 And as far as you're aware that stability rating meets the requirements of Sydney to Hobart - - -

A Yes.

Q44 - - - Cat 1 races?

A Yes.

SENIOR CONSTABLE UPSTON

Q45 O.K. When, when you were having the radio contact with the Sword of Orion and you were giving positions, updated positions - - -

A M'mm.

Q45 - - - when you, when you maintained your, your conversations with them, was that through your main GPS or the hand-held?

A It was through the hand-held GPS, because when the mast fell over the mast came back across the back of the boat and that's where our GPS, our main GPS aerial is.

Q46 And that smashed?

A It smashed, yes.

Q47 O.K. So that'd probably account for the, holding the smaller GPS inside the saloon that it wasn't giving a correct reading?

A Yes.

Q48 O.K. Now, were you aware of a flare display and life raft demonstration that was given a couple of days before the race here at the CYC?

A Yes.

Q49 Did you attend that?

A No, I didn't.

Q50 Right. You've, you've been a seafarer for some time - - -

A M'mm.

Q50 - - - for many years in fact, and you would be, I

suppose, a competent sailor in, in taking flares out at, at these journeys that you've done up and down the coast, every time?

A You mean by taking out, having them on board?

Q51 No, well, yes, by having them on board.

A Yes. They're on, they're on board, they're stowed in a, in a waterproof container on the boat.

Q52 And you're aware of, the whole crew's aware of where that flare container is?

A Yes.

Q53 O.K.

A We actually go through a safety explanation, safety drill that life, life vests are here, this is where the life vests are, your harnesses are here, flares are here, EPIRB here, fire extinguishers here, we actually show new members on the boat where they, where these are.

Q54 And at no time were those flares taken out and, and the flares physically looked at or read or anything like that?

A No.

Q55 And how, are you aware that there's an expiry date on the flares?

A Yes.

Q56 Right. Have you ever at any time replaced flares that have expired either on your boat or any other boat, gone and purchased new flares?

A I haven't purchased them myself because the owner has

always purchased those. But I have been on the boat when there has been a safety inspection and that the safety inspector has picked up a flare and said, you know, we, we had missed one that had been out of date.

Q57 Yeah. And without wanting to embarrass you of course, all these years of sailing, all these years at sea you've never really picked up a flare and read it and wanted to know how it's going to operate in an emergency?

A I never have.

Q58 And in hindsight, do you think that's a good thing?

A In hindsight lots of things are good things, but, yes.

Q59 Yeah, O.K.

A Yes, and I, I believe that it should be mandatory that, that people, on each boat, have actually physically let off a flare, not just been to a demonstration, but physically, where do all these expired flares go, they're still good, because they all go off at bloody New Year's Eve. Where do they go, why aren't they, why aren't they used for this purpose, where somebody can actually go somewhere and physically open one up and fire it off. Yeah, in hindsight everything's - - -

Q60 Well, that's right, well, there are certain conditions of the, when the flares expire they have to be taken to a place and, and disposed of properly.

A Well, the, you can now hand them in and then you hand them in to a collection agent, station, whatever.

Q61 That's right.

A I'm not sure how they get disposed of.

Q62 O.K.

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Q63 Anything else, would you like to add any ideas, views
..... you'd like to

A No, no, only that, yeah, the, there should be a white
flare, white flares in your safety kit because when,
when asked for, we didn't have it. And that's, that's
about it.

Q64 O.K. Time is now 4.40pm, this interview is now
concluded.

INTERVIEW CONCLUDED