

SENIOR CONSTABLE UPSTON

Q1 This is an, an electronically recorded interview between Senior Constable David Upston and John Byrne on Tuesday, the 27th of the 4th, '99 at Townsville C.I.B. The time on my watch is now 11.37am. And also seated directly to my left is Detective Senior Constable Gray from Bega Detectives. John, as I have already explained to you, Detective Gray and myself are making inquiries to the Sydney to Hobart Yacht Race and we've been tasked by the Coroner to speak to people that have involved in the race, and I understand that you sailed on the B-52. Is that correct?

A That's correct.

Q2 O.K. For the purpose of the interview, could you please state your full name?

A John Douglas Byrne, B-Y-R-N-E.

Q3 And your date of birth?

A 2nd of May, 1958.

Q4 And your address?

A 40 Stanton, S-T-A-N-T-O-N, Terrace, Townsville, 4810.

Q5 O.K. John, could you please state what your sailing experiences are?

A In, that yacht race would have been my ninth Sydney-Hobart, and I was part of the Alan Bond America's Cup team in Perth, and part of the Australian yachting teams that went to England for Admiral's Cups and for Fast Net Race. And 'cause the Fast Net Race is the same length and everything as the Hobart race, so I've

done that particular event about four times in, with some success, and also done all of the races up and down the east coast on a number of occasions.

Q6 O.K. As far as the, the Sydney to Hobart 1998 event, I'll take you to the 27th where you were proceeding down the coast and a storm occurred and you were into some fairly severe situations. What can you tell me about that?

A Well, the, on average the weather that we were having was in the 50 knot area, like, a range of between, say 35 and 60 depending as the day wore on. The seas we thought were around 12 to 15 metres at the most, and the weather we, I thought was not dissimilar to other, some other Hobart races in as much as once, you know, I always think once it gets over 50 knots, well, it doesn't really matter whether it, how much more than 50 it is, you're still sort of just trying to keep the boat in one piece and survive the conditions so that you can, when the weather abates, you can then keep racing because ultimately you can't win the race if your boat's not in one piece. The weather was more from the south-west than west than it had been on previous occasions when I've seen it like that, and we were handling the conditions pretty well and then the, a wave rolled the boat and when it came back up again we had to clear the mast away which had been broken and set about getting back to shore.

Q7 And what do you think the duration of roll was, the period of roll that you were inverted?

A 4 minutes. We collectively spoke about it obviously on a number of occasions - - -

Q8 Yeah.

A - - - and opinions ranged from three to five, so therefore four.

Q9 O.K. and where were you at the time of the roll?

A I was in the port upper quarter berth.

Q10 And what happened to you on that occasion?

A When the boat rolled I felt it rolling and there was accompanying noise, I at first thought the mast had broken but then it kept rolling and so I obviously knew it was something different. When it stopped in the inverted position my first thoughts were, Oh, well, it'll just keep comin' straight back up. When it didn't do that I climbed out of the end of the bunk which opened out into the galley and joined the rest of the crew that were down below in working out what we were gunna do and how we were gunna do it.

Q11 Did you at all or could you at all see whether the mast had actually broken on the roll or had it broken on the way up?

A No, from where I was there was no way of telling that.

Q12 O.K. Now you said you sailed in the 1993 Sydney to Hobart Yacht Race. What do you feel the differences were between the weather patterns of that race and this particular race?

A Well, in, in general, I mean not just that particular occasion but other races I've, other Hobart races I've done where we've got into bad weather in Bass Strait of 50 knots or more the big difference that I saw this time was that the wind was so much more from the west. At times we even had the breeze north of west and of note, you know, we have very accurate instruments and everything so I've got no problem with the accuracy of that. It was generally in the south-west, but usually closer to west and sometimes a, a flick north of west and the waves were therefore coming from the west and south-west. And that meant that the hardest way to go was back towards Australia. So for boats at sea retiring or in any sort of strife normally in a Hobart race 'cause the weather comes from the south you break down or you retire and you turn around and run with the waves and you just mosey up the coast and it's a piece of, piece of cake. But from that position that was actually the heading back towards Eden, was in a north-westerly direction 'cause of the way the coast shapes away so it was very difficult to, to head north-west. So that was one factor I thought was different. And the other factor, of course, well, it arises out of that, if it's coming straight out of the south or even the south-east, you are generally heading pretty much straight into the waves whereas in these conditions the waves were much more side on. So the boats were being exposed to a more side on wave force than head on, and

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that changes the way you steer the yacht and everything, the way that the yacht reacts.

Q13 Are you, what, part of your position on the yacht as a helmsman?

A In that particular crew I was doing some helming and some sail trimming.

Q14 Mmm.

A Wayne was the watch leader of the watch I was on and Don Buckley from Sydney, a very experienced bloke, was sort of, like, second-in-charge of that watch. And there was myself and, I think, Linda and the others on that watch.

Q15 O.K. You've sailed, as you said earlier, in a number of places around the world. As far as the Bass Strait is concerned, what, what's your opinion on, on that area compared to other places of severity around the world?

A It has a reputation, a well earned reputation I think, for being more severe than other places where there are similar length races. And by that I mean, like, the Irish Sea from the Fast Net Race. There are similar length races in the Caribbean. You've only got to look at the Sydney-Mooloolaba Race in, just before Easter where they had a southerly of 35, 40, 45 knots and admittedly that was behind them, but there was some gear breakages and stuff there but there's always the option of just flicking into the coast or, you know, pulling up close to shore, whereas the Hobart Race once

you're out in the middle of the Strait, well, there's not many places to go. I'm told that because the water is shallower there in the, in the sort of underwater link between Australia and Tasmania, can't say that can you, between Tasmania and Victoria, that the waves rolling in from the direction of Cape Town sort of hit that ledge and, and stand up and that's one of the reasons it's worse there. And also because the current coming down the coast meets the wind coming up the coast, and the waves stand up a lot more when the wind's against the current compared to if the wind's with the current. So that location, that, assuming all those are true, that causes it to be a lot worse. I know that friends of mine who were involved with the Around the World Race, like, when the Rothmans boat came out from England a few years ago, quite a few years ago, they said that the worst conditions they struck in the, in all of their journeys around the world, including the Around the World Race, was coming home from the Hobart Race back to Sydney. So it has certainly been a training ground for all of those sort of boats as well. So - - -

Q16 Mmm.

A - - - it, it's the only race that I've ever done, to get back to your question, it's the only race I've ever done where you know that before the race you must pull out the storm jib and the trisail and test them out and make sure you know where they go and that the knot's

not frozen on the bag and all that sort of thing because it's such a good bet that in that race you're going to need those sails, compared to races like the Fast Net Race where you could drift for 6 days. And the other thing about a race like the Fast Net Race is that it's a boomerang shaped course and every 150 miles you know you're going to change direction.

Q17 Yeah.

A Whereas going south to Hobart you go in the one direction all the time. If the weather's bad from the south it's going to keep being like that, it's not like you're going to go around the corner and come back with it.

Q18 Mmm. Are you aware of the, of the classifications of, of races in the Sydney to Hobart Yacht Race?

A Classifications of?

Q19 Of the, say, entering the race is under different divisions?

A Yeah, and different size divisions and in different measurement categories.

Q20 Right, and you raced under the, with B-52, under the channel handicap system?

A That's correct. The boat itself would qualify obviously for several divisions, but that's the one we felt we had a good, well, chance of winning.

Q21 Mmm.

A And also we knew that's the one that our major oppositions were going to be in as well.

- Q22 All right. I, are you aware of the category 1 race under different handicapping systems complies with a 115 degree stability index?
- A I'm aware that, I'm not aware of the exact numbers but I'm aware that you have to, your design has to comply with a certain standard.
- Q23 Right.
- A And that that standard's in a part of your design certificate, etc.
- Q24 Mmm.
- A And presumably when you lodge your entry that the organisers look at that and decide whether or not, if they came back to you and said, Sorry, you don't qualify, then that would be my knowledge of it.
- Q25 Right. Have you ever been on a crew that's entered a race that has been denied entry?
- A No.
- Q26 Due to that non-compliance of anything?
- A Non-compliance of anything? No. I mean, you have safety officers, or people come around and say, You've got to change that shackle, you know.
- Q27 Mmm.
- A You've got to write your name more clearly on the life jacket, or something like that, but all little minor things like that, but never actually said, No, because of some design fault in the yacht you can't go in the race.
- Q28 Mmm. Did you suffer from sea sickness at all?

A In a minor way, not a debilitating way.

Q29 Yeah.

A But, you know - - -

Q30 So you felt that it didn't affect the way you operated or continued through?

A No. I've been one of those fortunate people that if you do feed the fishes that, you know, 5 minutes later you're, you're O.K. again.

Q31 Mmm. Do you have your own harness and lifeline?

A No.

Q32 You use the one that's on the vessel?

A Yes.

Q33 Do you know what type that was?

A No.

Q34 O.K.

DETECTIVE SENIOR CONSTABLE GRAY

Q35 From your running experience, John, have you ever been in a rollover before?

A No, not in a yacht.

Q36 O.K. In something else?

A Oh, yeah, dinghies and stuff like that - - -

Q37 Right. Mmm.

A - - - but, you know, not in a yacht.

Q38 Oh, yeah. Have you ever been in a situation where life rafts had to be deployed?

A No.

Q39 O.K. What about flares? Have you discharged flares yourself or fired flares yourself?

A Not in anger, no.

Q40 O.K.

A At demonstrations and - - -

Q41 Right.

A - - - you know, club demonstrations and things.

Q42 So you have done flares, so that you - - -

A Yeah.

Q42 - - - you've seen it being done?

A And I've seen how life rafts operate, etc.

Q43 Right.

A But never in a yacht race in anger.

Q44 Right. As far as the life rafts on, on the B-52, they were stowed downstairs?

A That's right.

Q45 And was there a situation where the life raft was, one life raft was taken upstairs and almost got washed off? Do you recall that or do you know about that?

A No.

Q46 O.K. That's fine. Now in relation to, we were just discussing stability a second and from your experience do you think the stability rating and restrictions are a good thing?

A Mmm.

Q47 As far as different categories?

A Oh, for sure, I mean a boat's got to be safe to sail.

Q48 Yeah, and you consider stability's one of those - - -

A Mmm.

Q48 - - - important factors?

A Yeah. That's why they don't let multihulls in a lot of races.

Q49 O.K.

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Q50 All right. John, is there anything that you would like to add to this interview that you feel would assist us in make, in our inquiries?

A No. I think, I mean, if the race was on again tomorrow I wouldn't change anything in the way we prepared for it and anything like that, no. I don't really have much experience in race administration at that level or of that style. I mean, I've organised dinghy races and stuff like that but I don't really have much experience in that sort of race administration to have any viewpoints like that. You know, I was just there to get the boat across the finish line in one piece.

Q51 Mmm.

A That's what I do.

Q52 O.K. All right. The time on my watch is now 11.52am, this interview is now concluded.

INTERVIEW CONCLUDED