

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston of the New South Wales Water Police in Sydney and James Vincent Hallion on Friday, the 23rd of the 4th, '99, at the Adelaide C.I.B. The time on my watch is now 6.40pm and also present and seated directly in front of me is Detective Senior Constable Gray of the Bega Detectives, New South Wales Police. James, for the purpose of the interview would you like to state your full name, please?

A Yes, James Vincent Hallion.

Q2 That's spelt?

A H-A-L-L-I-O-N.

Q3 And your date of birth 15th of December, 1954.

Q4 And your address?

A 14 Shore Court, West Lakes Shore, Adelaide, 5020.

Q5 O.K. And your occupation, please?

A Civil Engineer.

Q6 O.K. James, as I've explained to you earlier, Detective Senior Constable Gray and I myself are making inquiries into the 1998 Sydney to Hobart Yacht Race where six sailors lost their lives and Detective Gray and myself have been instructed by the Coroner to speak to people either directly or indirectly involved in the race and for them to give us an idea of the experiences they had. And I understand that you were the owner, master of the vessel, Stand Aside. Is that correct?

A Yes, that's correct. I was the skipper and one of the owners, there are three owners of the vessel. I own it, one third share with the other two owners.

Q7 And the names of the other two owners?

A The other owners are Edward Lawrence Hallion who's my brother and Bevan Thomson.

Q8 O.K. And you entered the 1998 Sydney to Hobart Yacht Race?

A Yes, that's correct.

Q9 Under what category did you enter the race?

A We entered under Performance Handicap.

Q10 O.K. I show you a certificate which at the top left hand side it mentions your vessel, Stand Aside. Is that a certificate that you are aware of?

A Yes, this is a, this is one of the certificate, this is our certificate for Stand Aside, yes.

Q11 O.K. And also you see highlighted in, in yellow 116 degrees?

A Yes, I do. Yeah.

Q12 What can you tell me about that?

A Well, that's the calculation of ..... positive stability. I understand under the I.M.S. certificate.

Q13 O.K. And that is an expired certificate. If you look at the date of issue as the 12/12/90?

A That's correct. Yeah.

Q14 And how long is that certificate valid for?

A This is an I.M.S. certificate, they're usually issued for 1 year.

Q15 O.K. Keeping in mind the stability index on that, on the, on the certificate, have you made any alterations to your vessel since 1990?

A Yes, we have changed ballast on the vessel a couple of times probably within about a year of getting it and then again more recently.

Q16 And what were those alterations?

A Mainly the, the fin keel has the ability to, to add or subtract lead shot effectively which alters the stability of the, of the vessel somewhat.

Q17 And what did you do, add or subtract weight?

A We have both added and subtracted weight and we would have the vessel now in about approximately the same stability as the 1990 certificate.

Q18 Just prior to the race is that what, the same, you believe the stability index of the vessel would be?

A Yes. Yeah.

Q19 O.K. I now show you two forms which are headed Telstra Sydney Hobart Yacht Race 1998 mandatory crew list. There's a number of names on those forms.

A Yes.

Q20 Is that the crew that sailed with you on the 1998 Sydney to Hobart Yacht Race?

A Yes. That's, that's correct, yeah.

Q21 Are they the exact people that sailed with you, was there any alterations to names?

A No, that, that appears to be the exact list. That is the exact list, just a minute, just double check that. Yes, that's correct. Yeah.

Q22 O.K. And those persons took up various positions including yourself on the, on the boat - - -

A That's - - -

Q22 - - - on the vessel?

A Yes, that's correct.

Q23 Were any of those persons paid to be on your boat?

A No.

Q24 O.K.

A No.

Q25 All right. Could you now James tell me your sailing experiences, your sailing experience, past history?

A Yeah, sure. Well, I've, I started sailing probably back in the 70's I guess. Initially on dinghies mainly by way of ..... racing. By about 1983 I started keel boat racing offshore and inshore keel boat racing and I participated in a 1994 Sydney to Hobart Race. Since that time I've owned two keel boats and participated in all of the inshore and virtually, virtually all inshore and offshore racing in South Australia up until the Hobart race this year or last year.

Q26 Right.

A So I've had quite an extensive experience in sort of offshore and inshore sailing. I've done sort of, delivered boats around to Sydney and, and done quite a

lot of offshore and inshore racing ..... over the last,  
I suppose since, since '83 really.

Q27 How often have you sailed the Bass Strait?

A I've been in Bass Strait a couple of times basically,  
yeah. Three, three times, three times.

Q28 O.K. Have you ever had experiences like you  
experienced in 1998, December of 1998?

A No. The '90, the '84 race was quite, as, as I'm sure  
you're aware, was quite a rough race which had fairly  
high winds and very strong set against the, against the  
winds. So that was quite a, a significant race but the  
winds speeds were nowhere, were nowhere near as high as  
they were this, this part - - -

Q29 O.K.

A - - - this race.

Q30 All right. Let me take you now to the 27th of  
December, the day after the race, the, the start of the  
race - - -

A Mmm.

Q30 - - - which was on Boxing Day, the 26th, 1 o'clock. Is  
that correct?

A Yeah.

Q31 And you were preceding down the coast and you run into  
a severe low depression and subsequent cold front.

A Mmm.

Q32 And experienced severe seas - - -

A Yeah.

Q32 - - - and wind and, conditions. Could you tell me about that?

A Yeah, sure. It's probably worthwhile running through very quickly just the, as the initial front came through we were running, had been running down the coast during the evening of the, the 26th or early on the 27th under spinnaker, initially under a large spinnaker and full main as the wind strength increased above about 30, 35 knots in that range, from the north. We changed to a much smaller kite and reefed down to I think we had two reefs and the main I recall and set the boat up for those conditions and it was going quite, we were going quite well. But after, sometime in the morning, I can't quite recall the time, we were, we were expecting the front to come through because it, that had been, been forecast, the sea state changed and I knew that the front was eminent so we immediately changed down to a number four headsail and got rid of the kite, in other words got up a number four headsail and reefed down to a triple reef main. And the front hit the, the initial front from the south hit us sometime in the morning and I don't recall what time, I didn't note exact time when that did. It was mainly a change of direction and by mid morning, early to mid morning, daylight anyway certainly wind strength was, had lightened off, in the 20, 28 sort of 30 knot range. And at that stage we were actually debating whether we should take a, shake out one of the three reefs or, you

know, put up a larger headsail, so we were slightly under powered at that point going into a, just a choppy sort of sea. But we could see further weather ahead and I was, I was reluctant to change sails up so we didn't, didn't change up at that point. By about midday the front came through from the west, almost due west I guess and the wind strength increased very rapidly in a very short space of time up to in excess of 70, sort of 70 to 80 knots, I think that sort of range. At that stage I immediately called all hands on deck, we got the main down without too much incident, like got my own lash down onto the boom, lashed the boom down and then got the, the headsail down and then we were under bare poles at that stage and we decided the boat was, I was steering, the boat was fairly hard to steer and the bare poles, the seas were quite confused and come from angles and starting to build fairly quickly. We felt that this, that was unsafe to have the boat sort of exposed on bare poles and not a, not sufficient real steerage so under some difficulty we got the, the storm jib up to give the boat some steerage and, and a little bit more stability in the, in what was, you know, fairly difficult sea conditions at that stage. We, that took quite a while to get up actually because the wind strengths of 80 knots or so, it was quite difficult to set but it got, the guys got it set. The boat settled down to a moderate speed of about 7 knots, 7 or 8 knots and a course of about sort

of 140 but we were, we just, we took the decision to run, you know, we took the, thought about the options, do we go up wind, do we via a hull, do we reach off and we decided do we approach the waves at 60, 70 degrees, those sort of options were briefly talked about in what were fairly difficult conditions obviously. We decided to reach, reach off and run at about sort of 140 degrees bearing you know, 180 was course, dropped down in a lull and that as the waves came through and then reach up, there was a, quite a flat water between quite peaked waves and generally I think the crew including myself thought, well, we've got, we've, we got through the intense storm that hit, the boat's handling the conditions quite well, we weren't really even getting a lot of water over the deck really. Frankly the boat was handling the conditions extremely well and we thought, well, this way we'll get out of the shallower water, we were in Bass Strait you know, south east of Gabo still on the Shelf and thought, well, we'll get out into deeper water if we head that way. Storm intensity won't last, we thought and we felt that was probably the best of our courses. Going back we felt was riskier than sort of effectively keeping going in the direction we were heading. So that's what we did. That was sort of from 12 o'clock through to about 2.00. 2 o'clock we had eight guys on deck, four down below, two of them were starting to go through the sched, sched time, a couple were resting and at about 2.15



approximately, I'm not sure of the exact time, one very, very much larger break, the seas had continued to build of course over the 2 hours or so, one very, very much larger wave came through from behind us and started to break on the boat, just as it arrived, it just became unstable just as it hit us and the boat basically just dropped down the face of the wave sort of speared into the bottom of the trough and the mast sheared off as it hit the water basically, and, and the rig, the boom which was lashed down also broke in a couple of places. The back of the boat it almost barrel roll, it wasn't quite, well, the barrel roll almost pitch pole but more like a barrel roll I guess. The boat started to roll as the, the white water just slammed down on the boat and pushed it over. Huge bang of course as this happened with, I think, oh, it was starting to get difficult to tell what was happening about that stage 'cause we were in, about to get chucked overboard. We believe the rig actually impacted straight back, the boom, probably the boom attached to the mast, actually impacted straight back into the deck area and smashed that through as it broke and the boat then flipped over and we were under the water so what actually happened after that was not that easy to tell. We were under water for maybe, the boat upside down, for maybe 30 seconds maximum, probably less, hard to judge in those conditions the exact time and the boat, you know, there was things flying around

in the water of course and it's like being in a washing machine. I'm tethered to the boat as, and the thought crossed my mind, do I unclip, is the boat going to come up, and I thought, no, I've got plenty of air in my lungs, wait. So I knew it wasn't very long at all, no more than 30 seconds I'd estimate, could be less than that. The boat re-righted quite, with quite a lot of force actually, a bit like being tugged out, taken on by a ski boat, you just went straight back up, hauled us back up on the, onto, onto the, above the surface. I saw the fence was broken where the, you know, smashed down where the boom and mast had gone onto the side. I thought, that's the place to get back on board, got over the boat, got back on board. A couple of the guys, there were four guys down below, they'd come up at this stage and I got assisted up by Bob Hunter and then I turned around and assisted a couple of other guys to get on board. Had a quick look of what, what the situation was. Decided the boat might sink 'cause it was awash you know, the coach roof missing, a third of the deck was, coach roof deck was missing, there was about a metre of water or so at least inside. So I thought this is a problem we, we may, the thing may go down and I felt it was important to get the rafts basically deployed as quickly as possible, which we did. One of the rafts didn't actually deploy but we got that on 'em again, got the boat, got all the guys on board, got the boat bailed out, cut the rig away and

let off a couple of flares. We had a grab bag with a handheld V.H.F. radio in it and a, and a hand held G.P.S. We were able to use those things to get off, we actually, actually the jib ..... on the boat was still working which was a bit surprising because the switch panel had been smashed by the winch coming through the deck, water everywhere down below, batteries obviously flooded, the engine wouldn't start but at least we were able to get the rig away, get, and start getting a Mayday out, let off some flares and get the rafts deployed. At that stage we also sort of repaired, there was a few injury, minor, relatively minor injuries as it turned out, we had a registered nurse on board, he went around and repaired those people who were sort of had the odd, you know, injury, relatively minor injury. And settled everyone down and waited til we got a response from our Maydays, which in about 20 minutes of calling the A.B.C, we believe it's the A.B.C. helicopter answered our Mayday and they were there within about half an hour, hovered over us took lots of photographs and it was obvious from, we were on the media, we were pleased to see them, I might say though and they radioed, I understand they radioed back to Heli-Med 1 and the other rescue operations. They appeared some while later, probably hard to say, wasn't really watching my watch but I think it would be at least around about an hour later before they, they appeared on the scene. I'm not sure of that time

'cause I didn't note it, wasn't really in the shape of noting the exact, the exact time of various things. They then communicated with us, Heli-Med 1 by, by radio. We had one raft out the back, they asked us to let it out further, get a couple of guys on it, so we took the most injured guys first. And they gradually winched us off one by one as, as is evidence from the, from the situation. We were all suffering a bit of hypothermia as well, some pretty cold, that sort of thing from being under the water. We all eventually got winched into both helicopters. They took us back to Mallacoota, took us to the doctors for a quick check up, got our names and all that, the police, police got our names. We went off to the mud hut at Mallacoota and stayed there overnight and basically got out via Melbourne the next day, so, that's, that's it in a nutshell I guess.

Q33 O.K. Quite a harrowing experience none the less.

A Yeah, not the way you really want to spend your holidays.

Q34 No, no. All right. Just some questions and, with the, the wind speed, the winds that you experienced, you were on deck - - -

A Yeah.

Q34 - - - as you were, you were, you're steering the boat -  
- -

A Yes. That's right.

Q34 - - - driving the boat, as they call it, and you had electronic instruments to gauge those winds - - -

A Mmm.

Q34 - - - are they analogue or digital?

A Digital. Brooks and Gatehouse.

Q35 Brooks and Gatehouse?

A Yeah.

Q36 O.K. Quite a popular brand - - -

A Yeah.

Q36 - - - no doubt?

A Yeah.

Q37 Are they very expensive equipment?

A Yeah. Fairly much so, I think they're generally regarded as the top end of, of instrumentation, yeah.

Q38 Off the top of your head, do you know what sort of money would be involved there, as a broad term, on, on the, the wind instruments?

A Not, well, not really, no - - -

Q39 No.

A - - - I wouldn't know. But they're probably, they're in the thousands anyway, yeah.

Q40 O.K. All right. And did those, you observed those wind instruments and you said earlier that you believed the winds to be 70 to 80 knots.

A Mmm.

Q41 And that was shown on your wind instruments?

A Yeah. We had over 70 on our instruments. They tend to, to under read at high, high wind strengths.

Q42 O.K.

A We done a bit of investigation, couldn't quite work out why they were under reading so I think I saw 70, over 70 at one stage on the instruments, which I then interpreted to be probably closer to, to 80 knots in, in reality. But of course a lot of the time I was a bit too busy, the, the winds were, gauge was actually set up on the, on the port side and I was a little bit too busy to actually look at it most of the time. Most of the time I was just trying to keep the boat going so I wasn't paying a lot of attention to what the peak would have been, but it certainly would have been in excess of 70 to 80 knots.

Q43 Right. Now are you aware of the weather bureau's warnings on the, on the storm warning about the wind to be expected?

A We knew what the official, you know, what the forecasts were coming through on the, on the scheds were and we expected winds in, in the vicinity of probably 50 to 60 knots. That's what we would have expected to get and that, that would match previous experience that we've had.

Q44 O.K. When, when the weather bureau issued these wind warnings, are you aware that they are mean wind warnings or wind indications - - -

A Mmm.

Q44 - - - and that a mean wind indication is of a constant wind blowing for in excess of 10 minutes.

A You know, we're, we're certainly aware that we would expect to get gusts significantly higher - - -

Q45 Yeah.

A - - - than the, than the mean, so, we were aware that we would get higher gusts. In this case it was a pretty, it was a pretty solid more or less constant increasing breeze, just kept going up, up, up, like that. So it wasn't a gusting sort of, not where we were, I wouldn't say it was a gusting type breeze it was a really solid and increasing breeze. Sea state was obviously fairly confused but the actual wind strength was pretty well solid full on. Not, not really gusting like you do get, often do get, where you'll get significant high gusts then it will drop down.

Q46 Did you attend the weather briefing at the C.Y.C?

A Yes, I did, yeah.

Q47 When you got that final storm warning were you concerned about that at all?

A We were certainly aware that we were going to be in for a, for a heavy weather race, I think that would be fair to say and you know, we, like, virtually everyone in the race would rather not have a heavy weather race. But and, and therefore, but we were all experienced in, in the sort of conditions we expected to get anyway, so, and it's often the case that in that race one does get quite strong winds, so, we would desirably not like to have winds of the strength that we expected to get

but we were prepared to, to get, for that type of condition.

Q48 O.K.

A Not the extremes that we actually received, I might add.

Q49 Yes. If you would have known that you were going to experience winds 70 to 80 knots would you have thought about taking shelter?

A Certainly we would, if, if there were forecast winds in that sort of range, in fact I suspect the wind strength even peaked at higher than 80 knots, I might say, but it was very hard for us to actually tell at that stage; my hands were certainly full steering the boat. You certainly had the wind strengths of 80 plus I think, which was probably what it ultimately was, was peaking at. And I think it was, it was at least 80 solid you know, and peaking higher.

Q50 Mmm.

A We would have not, certainly not entered Bass Strait if we'd known that, had we had a, a forecast that the winds, average sort of wind strengths of 80 or you know, average sort of wind strengths towards the 80 knot mark or higher.

Q51 Was there any discussion amongst the crew that the decision to continue on after getting those, those wind strengths and, and the conditions? Was there any general discussion amongst the crew that maybe you should pull out?



A We had a discussion about what we should do - - -

Q52 Mmm.

A - - - I wouldn't say it was a discussion about, you said about pulling out, it was the case of saying, what do we do to survive in these conditions, is it better to pull go, to go back - - -

Q53 Yeah.

A - - - or is better to continue on. Going back may have meant pulling out but it may not have, it may have meant you know, in an hours time, we didn't really expect that the intensity of that breeze would continue for a long duration. We thought this is, this is something, this is an intensity of, of wind strength you just don't get normally and we didn't expect it to last all that long. We thought, well, it's the peak, as, as another front has come through it'll die down afterwards. So it was more a case of what is the best set up, our discussion was more about what's the best set up for the boat to survive in the conditions we had at that time.

Q54 Right.

A And, and we didn't say, Well, let's retire - - -

Q55 No.

A - - - because retiring meant going a way, would have meant going a way we didn't think was the safest way to go. It was more a case of saying, Well, we're out here, what's the best way to survive you know, the situation we're in. Had it, had it gone on for, had we

survived for a few more hours and, and the wind strength might have, would continue through the night as in fact it subsequently I understand did, we might have, we would have been a little more concerned about you know, can we sail through those conditions in the night without necessarily seeing the waves but given that it was 2 o'clock in the afternoon well, you know, between 12.00 and 2.00 and we expected it to be a relatively short duration intensity that debate really hadn't yet, we never had the chance to have that debate.

Q56 O.K. In regards to the wave heights, what, what do you gauge those to be?

A The extreme one, wave that hit us was, was well, our mast is 65 feet off the deck itself, sorry, I've got, in height the extreme wave that hit us was higher as it approached, was significantly higher than our mast height. So the extreme wave was much higher than the rest and was in the, in the order of well, it had to be in the order of around 80 feet, just from the scale of looking at mast, looking back and seeing this thing coming at us. The rest of the waves were, were, were nowhere near that height - - -

Q57 Yeah.

A - - - there was just one wave that was, either before we got rolled or after, were nowhere near that height. They were still significant waves but that particular

one just happened to stand up at a, at a significantly higher height than the rest - - -

Q58 Mmm.

A - - - so the rest might have been 60 feet or something like that perhaps or less.

Q59 O.K. Do you believe that your, the stormsail was too large, that it overpowered the vessel?

A No. No, I think our storm, we were, we were not actually despite the intensity of the wind actually over pressed, we were going at about, I noted the speed 'cause I was worried about well, you know, we don't, I know that we don't want to break the boat up in these conditions. The speed was only about 8 - - -

Q60 Mmm.

A - - - 8 knots, maybe not even that a fair bit of the time particularly between the peaks - - -

Q61 Mmm.

A - - - I don't know if it was, it was actually sort of on the ..... almost and, peaks of the waves that is - - -

Q62 Yes.

A - - - and so we were not really over pressed at all.

Q63 Mmm.

A We didn't have the gull down in the water or anything and, and we were relatively confident that we had set the boat up to handle the conditions.

Q64 O.K. When the boat rolled and I'll just chop and change a little bit here. When the boat rolled was there much panic on board, was it very controlled?

A It was very controlled. No panic at all, an experienced group of guys knew what, they all knew what had to be done. We had to A, get all the crew members back on board, B we had to cut away the rig quickly so it didn't punch a hole in the, in the boat, C we had to bail the boat out, so it that it was buoyant. We had to get flares off in case there was someone there to see, see us with flares and we had to get on the radio and get our position out. You know, we had to tidy the boat up, get the people who were injured repaired and generally you know, maximise our chances of survival and everyone did that, there was no panic at all.

Q65 Right. Everyone on deck were wearing harnesses?

A Everyone was wearing harnesses.

Q66 O.K. And they were all attached to the jack stays on the boats?

A They were attached to various strong points.

Q67 Yeah.

A I'd, I was actually on the jack stay and actually unclipped and put myself onto another strong point just to sort of spread the load out a bit. I'd say the majority of people were on the back stay, or on the jack stay, but I'm not sure forward 'cause it was not possible for me to see with eight people, where they were all clipped to.

Q68 Mmm.

A One of our crew members was apparently not clipped on, but I didn't, I wasn't aware of that. We'd obviously been stressing you know, get clipped on quickly you know, making sure the load was, where I could - - -

Q69 Mmm.

A - - - to see that it was spread out over the strong points. We had used 10 mm spectre to tie our jack stays on anyway, so they were on to some pretty heavy gear. But even, still I decided I'd just put myself onto another strong point, so, everyone of the crew that was on deck bar I understand one, was, was clipped on.

Q70 O.K. With your, your harnesses how many harnesses did you have prior to the race?

A We had about 15 harnesses on the boat. Well, we had 15 harnesses on the boat but when I say about, a couple of crew members had their own as well. So we would have had probably 17 harnesses available for 12 people.

Q71 O.K. And what brand are they, the harnesses that you supply on the boat?

A Oh, Australian standard, they meet Australian standards. I'm not, I don't know what brand they, they were.

Q72 Right. Are you aware of the, the markings on the harnesses - - -

A Yeah, yes.

Q72 - - - so that they comply with Australian standards?

A Yes, oh, yes, and they were obviously I needed to have a safety certificate. They were all laid out, checked, so they comply.

Q73 When was the safety certificate or the safety checking carried out so that the certificate could be issued?

A It would have been in December before the race. I can't tell you a precise time but certainly Dave Woods here locally did the safety inspection as common to our boat, the vests he laid out, safety wise he's seen in the public domain so I think that's on the public record.

Q74 Were you spot checked in, in Sydney?

A No, we weren't, no.

Q75 O.K. Now with the, with the injuries on board, some of them were fairly severe I suppose, where, where a person lost a couple of mm of his, the top of his finger - - -

A Yeah, yeah.

Q75 - - - that was all managed quite well, there was no - - -

A Yes, it was, yeah.

Q75 - - - problems with that?

A Yeah. He doesn't know how he, how he lost the tip of his finger but that's, that happened but as I said we had a registered nurse who quickly repaired you know, put his, repaired his, stopped the bleeding and got him sat down and so, yeah, that was fairly easier encountered.

Q76 O.K. When the boat rolled how much water do you think was in the boat at the time, when it righted itself?

A It would have had a lot in it because there was at least a metre deep in the bottom, so now you know, those down below would have a better estimate of that - - -

Q77 Mmm.

A - - - but that was my feeling that we sort of, maybe, maybe a shade under a metre but somewhere in that range you know, sort of knee height or something like that was my estimate of, of coverage. And that would have been virtually throughout the boat so it would have been a quite serious quantity of water that had - - -

Q78 Yeah.

A - - - gone in, possibly as it righted on the way up but I don't know 'cause - - -

Q79 Where do you keep your batteries?

A Batteries are next to the engine, part of the settee berth layout, two batteries there.

Q80 O.K. And what type are they?

A Marine batteries, can't, can't tell you the, the brand.

Q81 Are they wet cell or dry cell batteries?

A They're wet cell batteries.

Q82 O.K. Are you aware of a, of a gel acid battery that's completely water tight?

A Yeah, we are. At the, at the, in previous times I've tried to get them and there've been various issues about whether they are the best or not whether they

have other problems with them. In this case we went for, for wet cell batteries. Whether that's the right, in those circumstances dry cells might have been very handy but you know, we've, we've, we went from marine wet cell batteries in that case.

Q83 O.K. Now after you, you rolled and I understand you carry two life rafts?

A That's correct, yeah.

Q84 What type of life rafts are they?

A They're R.F.D. rafts.

Q85 Do you own both of them?

A No. We hired, we purchased one immediately before the race and the other was rented from Quinns, hired for the race effectively.

Q86 O.K. The rented life raft was what type?

A Well, it was an R.F.D. six man you know, I can't, can't tell you the exact brand, they, they're each of them designated by different brands. The one we own was an R.F.D. Pacific 6 man.

Q87 Right. So that's the one you owned.

A Mmm.

Q88 Now was that in a valise or is that, is that in - - -

A No, it's in - - -

Q88 - - - a hard pack?

A - - - a hard pack.

Q89 And where is that stowed?

A That's stowed on, in the cockpit immediately underneath the, well, basically on the cockpit floor.



Q90 O.K. And you deployed those life rafts?

A Yes.

Q91 What happened as a result of those life rafts being deployed?

A The, the rental one, I, you know, was a soft pack down below, that was brought up, thrown overboard, deployed. The hard pack which I got off as soon as I got up on deck basically didn't deploy. We took it over, put it over the back, pulled on the cord, it didn't deploy, tried a few times, didn't deploy, decided that perhaps the cord inside was caught up, so we took the, took the top off the canister to see whether it was you know, caught up or not, it wasn't and we're talking fairly extremely conditions here 'cause the boats completely unstable - - -

Q92 Mmm.

A - - - everything's going everywhere so it's extremely difficulty even to haul the thing in and, you know, we, we were getting bashed around well, every time we handled it. Eventually we couldn't get it deployed, tied it off to the, to the, by it's - - -

Q93 Mmm.

A - - - it's own tether into a strong point at the back and sort of took rest for a while as well you know, it physically completely exhausted me just hauling this thing in and trying to get it to deploy. Over a period of time I got a bit of, I got help from one of the other crew members as well and eventually we both,

exhausted both of us, still couldn't get any ..... on it and then we decided the only way we were get somewhere is to haul it back on deck and try and pump it up manually and before we were able to do that the, it's tether snapped - (DEMONSTRATES AUDIBLY) - so that was the end of that plan.

Q94 O.K. Let's just talk about that for a moment. You, you were, you actually physically untied the life raft from it's fixing point in the cockpit?

A No, no. Oh, we took the well, yes, sorry, it depends on what you say, it's got a tether on the raft itself - - -

Q95 Yes.

A - - - which would have remained attached to the boat all the time.

Q96 Yes.

A But the actual canister - - -

Q97 Yes.

A - - - had a, had a, we had a knife - - -

Q98 Yes.

A - - - to the, to attach to the, to the cords that it was tied on, we cut those and just pulled it straight out.

Q99 O.K. So it wasn't attached by a hydrostatic release valve?

A No.

Q100 No. O.K. So it was actually physically tied down?

A It was, yeah.

Q101 So you, did you personally cut the - - -  
A I personally - - -  
Q101 - - - the tether rope, the, the - - -  
A - - - I cut - - -  
Q101 - - - the rope that's holding over the - - -  
A Yeah, yeah, the rope, there's a rope - - -  
Q101 - - - fibreglass canister?  
A That's correct, yeah.  
Q102 After you did that you picked it up?  
A Yeah.  
Q103 And you threw the life raft over the side?  
A Put it over the side, yeah.  
Q104 O.K. Making sure that the tether was still attached to  
a hard point?  
A That's correct, yeah .....

Q105 Did you then pull the line from the life raft whilst it  
was in it's entirety floating?  
A Yes, yeah.  
Q106 How much line did you pull from that?  
A Mmm. It's hard to, hard to recall now to be honest.  
I guess a couple of metres or something, it's really  
hard to recall.  
Q107 Right. Say 2 or 3 metres?  
A Something in that order, yeah. I couldn't - - -  
Q108 Right.  
A - - - swear to it.  
Q109 Were you then, did somebody say something to you - - -  
A Well, I, I - - -

Q109 - - - about the, the, the life raft?

A I consulted, you know, one of the, one of the other more experienced guys and said, Guys, it ain't actually deploying.

Q110 Yeah.

A So there was a little bit of additional, you know, one of the other guys come over and, Bob Briggs I think it was, it was and I think it was Bob Briggs, and he had a go as well and eventually concluded that it wasn't going to deploy.

Q111 So you've, you, you physically pulled the, the, the line attached to the life raft which was attached to a fixed point, a hard point, really quite physically - - -

A In the end, yeah.

Q111 - - - as far as it could deploy?

A Yeah, oh, yeah, yeah, yeah.

Q112 And there was only 2 or 3 metres of rope - - -

A Might have been - - -

Q112 - - - you feel?

A Yeah. Might have been more but - - -

Q113 More.

A - - - it wasn't - - -

Q114 But it's - - -

A It wasn't like yards and yards of it but what just exactly what there was, it's, it's impossible to - - -

Q115 All right.

A - - - recall now. I mean our emphasis was on getting the thing deployed, I wasn't measuring what I was pulling out - - -

Q116 Yeah.

A - - - to be honest.

Q117 O.K. All right. Have you ever deployed one before?

A No, I haven't actually, so - - -

Q118 O.K. Let's leave that alone for the minute.

A Mmm.

Q119 When you - - -

A I've seen them deployed.

Q120 You have seen them deployed?

A Yeah, yeah. In demos and that sort of thing, I've been to demos.

Q121 Have you, have you paid particular notice of the length of cord that comes out at the time?

A No, no.

Q122 O.K. When you hauled the life raft back on board did - - -

A I never got it back on board.

Q123 O.K. What happened then?

A We pulled on it - - -

Q124 Yes.

A - - - didn't deploy, it might have been more than, it was you know, it's hard to recall how much cord there was there - - -

Q125 Yeah.

A - - - to be honest, it was just one of those things, it wasn't, the mind - - -

Q126 Yeah.

A - - - was not on that.

Q127 O.K.

A So I can't be quoted on 2 or 3 metres, it might have been anything.

Q128 Yeah.

A Anyway, when it didn't deploy we brought it back in to the boat.

Q129 How did you bring it back in the boat?

A To the boat.

Q130 Yeah. To the boat.

A Yeah. We've, we had an open trance and stern - - -

Q131 Yes.

A - - - so we brought it into the stern, to the stern of the boat.

Q132 O.K.

A We were able to sort of get at it then and cut the top off, well, get the top off - - -

Q133 Right.

A - - - the canister.

Q134 How did you get the top off?

A We just, just got a knife and cut it, cut the, the, there's a couple of sort of strips or something over 'em, cut them off and the top bit, it came out, came, basically the canister came open.

Q135 O.K. So there was, there was a rubber seal around the canister?

A Yeah, I guess there was, I wouldn't - - -

Q136 Do you recall?

A No, you know - - -

Q137 You can't recall?

A - - - can't - - -

Q138 But once you cut the two strips over the top of the - - -

A Mmm.

Q138 - - - the, the thing, the life raft actually came into two?

A It did, you know the, the, while the, the canister came off.

Q139 Came off.

A The canister top came off.

Q140 And what did you see then?

A ..... you know, a couple of cylinders, rope to the cylinders, it clearly wasn't, it was fully you know, extended, there's no doubt about, about - - -

Q141 O.K.

A - - - the fact, there was no twist or knot or something inside.

Q142 Right. So there was no more rope inside?

A No more rope inside.

Q143 You saw the end of the rope attached to a mechanism?

A Yeah, that's right - - -

Q144 That was attached to a, a cylinder?

A - - - ..... or something, yeah, yeah, cylinders, yeah.

Q145 What did you, or cylinders?

A Yeah, cylinders, yeah.

Q146 Two cylinders. How many, what did you do then?

A Well, at that stage we were getting fairly tired you know, we pulled it in several times and sort of finally got it cut off - (Tape Beeping) - I think also the plastic around the actual raft we just got rid of that after nothing else had sort of happened to see if we could see anything else. We were in horrendous conditions at this stage, I mean the thing if it hit you it'd knock you out sort of thing you know, the boat is going everywhere, so it was extremely difficult to, to do anything basically. And eventually we decided that it wasn't going to deploy, we'd have a quick rest, try and recover our strength and get it on board.

Q147 Right.

A And that's when we tied it off to the horn pleat and then it subsequently ..... that was it's tether tied to the, the horn pleat and subsequently it was snapped off in the conditions.

Q148 So it just snapped off from the, from the life raft - -  
-

A Yeah.

Q148 - - - and that was, what happened then, the life raft?

A Just disappeared out of sight.

Q149 O.K.

A Appeared to have sunk, I think is how to describe it.



Q150 O.K. The, the time on my watch is now 7.20pm. This interview will be resumed after a tape change.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

SENIOR CONSTABLE UPSTON

Q151 The time on my watch is now 7.24pm. The interview between Upston and Hallion is now resumed. James, we, prior to the tape change we were talking about the life raft. After being deployed you went about certain things and the life raft had sunk and actually detached itself from the line that you were, the, the tethering line.

A Yeah.

Q152 Are you aware that that line is intended to in fact break away from the life raft?

A I don't quite understand your question on that.

Q153 What I'm saying is are you aware that that is supposed to be a weak link between the life raft and the, and the vessel?

A Well, obviously if the vessel sunk, yes, we would - -  
-

Q154 O.K.

A - - - we would expect that in those circumstances before the, the buoyancy of the raft was overcome it would - - -

Q155 Mmm.

A - - - obviously break away, so what we had of course on there was, was a, was just a raft and a canister but we

wouldn't have expected would have, would have put that sort of force on it - - -

Q156 Yeah.

A - - - and it would have been quite difficult for us to basically get another you know, something else to attach to it at that stage - - -

Q157 Mmm.

A - - - given the conditions. So there wasn't well, obviously the conditions were putting a fair bit of load on the canister but you know, it was at the back of the boat and you know, not, we wouldn't have expected to have the sort of force on it it have if, in those sort of circumstances.

Q158 Mmm. O.K. Well, I am led to believe that for obvious reasons that that is a weak, a weak point - - -

A Mmm, yeah.

Q158 - - - point for those reasons - - -

A Yeah, yeah.

Q158 - - - that it, it will detach - - -

A Mmm.

Q158 - - - and if in the event of the vessel sinking - - -

A Mmm.

Q158 - - - will float free.

A Yes, yeah. That's, that's obvious, we're obviously aware - - -

Q159 Yeah.

A - - - of that but you know, you're, you are in a situation where you don't go down if the boats goes down.

Q160 Yes.

A And therefore that you know, there's a limit on its, its ultimate strength.

Q161 Yes.

A But you know at the end of the day we just had a canister - - -

Q162 Mmm.

A - - - sitting out the back of the boat.

Q163 Well, that's right. Obviously the life raft was rendered useless.

A Yeah, yeah, that's right.

Q164 O.K.

A We didn't, we had no high expectation that we would be able to get it deployed let's say otherwise we could have swapped crew members around and possibly got it on board.

Q165 All right.

A But we, our expectation was that this was one that was going to be extremely difficult to get deployed.

Q166 O.K. How - - -

A It was at that time incidentally we got communication through - - -

Q167 Yes.

A - - - and so our sort of level of concern about you know, had lowered from one of you know, well, we may

-  
not you know, we may have to use them to one where we expected it unlikely that we'd have to use the raft. Because the boat was handling the conditions you know, it was buoyant, we were actually managing to steer it into the 70 degree mark to the waves, despite having no real you know, no, no motor or anything else, it was sitting in that sort of mode and you know, we, plus it was obviously, obvious concern that if we got another really big wave - - -

Q168 Mmm.

A - - - well, who knows but it was actually handling the conditions at that stage reasonably well, so you know, our emphasis sort of probably our anxiety level lowered within 20 minutes we were, we were in communications and that with, with the A.B.C. and they were there within 10, not more, minutes.

Q169 O.K.

A So had we been like, knowing there was no chance of rescue we might have adopted possibly a different approach, it's very hard to tell. But we, we were certainly about that time you know, aware that it was, rescue was on the way.

Q170 O.K. How, how old was the life raft?

A Physical age, don't know, we purchased it, it was just before the, literally just weeks before the race and it was a new raft so it was effectively brand new.

Q171 With that life raft did you receive a certificate - -

-

A Yes.

Q171 - - - of service?

A Yes, yeah, yeah.

Q172 And that had been a recently issued certificate?

A Yes, yeah, yeah, yeah.

Q173 And was that obtained from the, from the point of supply - - -

A Yes.

Q173 - - - here in Adelaide?

A Yeah, yeah.

Q174 Through a branch office of R.F.D?

A Well, Quinns actually.

Q175 Oh, Quinns.

A Quinns .....

Q176 Who is, who is a - - -

A Recognised dealer you know, marine - - -

Q177 Yeah.

A - - - dealer.

Q178 O.K. All right then. You've got the soft valise type life raft.

A Mmm.

Q179 What happened with that?

A Well that was brought out of the boat the same time as, by one of the other crew members, I was deploying one over the back, it opened up and deployed appropriately. We tied it on and close to the boat initially then put a, a 10 mm spectre, long 10 mm spectre lead on it and got it out to the, gradually used it to deploy in and

out as the helicopter you know, helicopter required us to do so.

Q180 O.K. You were on, you were on, on the aft deck at the time - - -

A Mmm.

Q180 - - - that that was deployed?

A Yes, yeah.

Q181 How was, physically how was that deployed?

A I can't really tell you because I was down the back doing the other one. But I know, yeah, I just, it was, it just was deployed over the back.

Q182 O.K. And you heard it, the air rushing out of the cylinders and into the, the tubing?

A I wouldn't say that, no. You got, you got like - - -

Q183 There was a lot of noise happening?

A There was a lot of noise.

Q184 O.K. All right.

A And the answer is no, but I presume because it appeared as a, appeared there that it was working and we brought it around the back eventually.

Q185 O.K. All right. And you said you, you, you tied some spectre - - -

A Yes, yeah.

Q185 - - - line? What's spectre line?

A Well, that's a, we used a 10 mm spectre, which was a brand new main sheet we just actually purchased in, in Sydney actually before the race. And it was a long, one of our longest lines - - -

Q186 Right.

A - - - and a highest load ..... fibre line I think they are.

Q187 So it's a pre, pre-stressed - - -

A Yeah, there's virtually no - - -

Q188 O.K.

A - - - stretch, very little stretch in it but strength was the, it was I guess one of our strongest lines we had on the boat.

Q189 All right. Do you know where that spectre line was attached to the life raft?

A No. I didn't actually attach it - - -

Q190 O.K.

A - - - so, I was still fairly busy on other things at the time, so.

Q191 Right. O.K. Do you know who attached that?

A No, I don't actually - - -

Q192 O.K.

A - - - to be honest. There was a number of us down the back and I'm not sure which crew men were, actually did.

Q193 All right. Stuart?

DETECTIVE SENIOR CONSTABLE GRAY

Q194 Yeah. The flares that were fired. What type of flares were they?

A Orange smoke and a parachute I think - - -

Q195 O.K.

A - - - were the, were the ones that were .....

Q196 How many in total, do you recall?

A I think two.

Q197 O.K.

A We didn't want to send them all off - - -

Q198 Mmm.

A - - - we just wanted to send a couple off to get some attention, if there was anyone out there. So it was definitely a parachute and a orange smoke.

Q199 Right. Now so far as getting into the life raft from the boat, any difficulties?

A Easy.

Q200 Easy.

A I mean easy on our boat - - -

Q201 Right.

A - - - because it's an open transeunt.

Q202 Right. O.K.

A So that was not an issue.

Q203 Have you been, have you received settlement for the loss of the boat?

A Yes, we have, yeah.

Q204 And through what insurance company was that?

A Q.B.E.

Q205 O.K. Has the boat been found or any parts of it?

A To my knowledge the boat hasn't been found. I got rang up by the Sydney Water Police at one stage who said they'd found a winch and a piece of coach roof and they said, could they use it for, as a memento of the race. And I said, It's, the boat's now in the hands of the



insurance company, you'll have to contact them. I also understand that a, a small piece of the bulkhead may have washed up on Flinders Island.

Q206 Oh, yeah.

A So whether that was the case, but a, but someone on Flinders Island apparently found a small piece of a Adelaide Port Lincoln sticker - - -

Q207 Right.

A - - - and my guess is that was probably us - - -

Q208 Right.

A - - - out boat, so, and I understand the raft went to Wollongong, so, so it sort of went in, I don't know where, if, if the trawler did pick up a, and it was our winch, and I haven't seen it to know whether it was or not, where they found it I don't know. But that's, so that's the extent of my knowledge of, so it's presumed sunk.

Q209 Mmm. And what was the dimensions of the boat again? What, what length was it?

A 12.5 metres long.

Q210 Yeah.

A About 4.2, 4.3 wide.

Q211 Yeah. The construction?

A Construction was kevlar deminidel foam sort of glass construction.

Q212 Right. Now did you have any problems with next of kin notifications, or next of kin making inquiries about your whereabouts and the crew?

A Well, yes, I think, my wife was the, well ..... regards as problems, my wife was the contact point.

Q213 Yeah.

A She had rung up and it's been told that we were retired and heading to, back to Sydney and that wasn't correct. So initial information to her was, was incorrect but that was corrected when she rang back a little later and thought, that doesn't sound right, I wouldn't be heading back to Sydney. You know, we'd head into the nearest sort of port and then - - -

Q214 Mmm.

A - - - probably proceed back to Adelaide from there. So she then rang back and they said, No, they've been air lifted off.

Q215 Right.

A So you know, there was a bit of initial confusion, a little bit hard for her to get through I understand - - -

Q216 Mmm.

A - - - you know, it would have been nice if they had of, you know, if they, those designated contact points they should have probably had a you know, a designated contact number or something like that.

Q217 Mmm.

A She had to ring the general number, so, but, you know, a little difficulty I suppose, but under the circumstances perhaps that was what we could expect.

Q218 Mmm. O.K.

SENIOR CONSTABLE UPSTON

Q219 I have no further questions. Is there anything you'd like to add that may assist us in making our inquiries and recommendations to the Coroner?

A No, I think we, we've covered it fairly well, in terms of what, how the event occurred. You've also heard from obviously from my navigator which fills in the other side below decks and the radio stuff. I don't think there's anything I can add.

Q220 O.K. The time on my watch is now 7.35pm. This interview is now concluded.

INTERVIEW CONCLUDED