

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr David Leslie at the Mooloolaba Yacht Club on Monday, the 26th of April, 1999. Also present is Senior Constable David Upston from New South Wales Water Police. Time by my watch is 10.25am. Just for the record, David, could you please give us your full name?

A David Frith Leslie.

Q2 Your date of birth?

A 29/6/48.

Q3 Your current address?

A 31 Panorama Crescent at Buderim, Q, 4456.

Q4 And your occupation?

A Medical practitioner.

Q5 O.K. As I've already explained to you, Senior Constable Upston and myself are making inquiries in relation to the 1998 Sydney to Hobart Yacht Race. One of the taskings that has been assigned to us by the State Coroner is to speak to people who have been involved in the race, and in your case a situation where evacuation was conducted on your boat and there was a subsequent loss of the boat. So if I could first start by getting some of your yachting background experience?

A I started sailing as a boy on the Gold Coast with, annual holidays with my family from Toowoomba once a year. Late university days I sailed in dinghies. When

I graduated and had an income I started a partnership, ownership of small offshore boats and I won an interstate series in 1977 in a 24 footer. Since then I've been racing out of Mooloolaba Yacht Club, about seven Brisbane/Gladstone races which are about 300 miles, three Sydney to Mooloolabas, one Brisbane to Noumea in heavy weather. I've cruised from Thailand to the Maldives several years ago crewing on an American yacht. I've, I did the Sydney/Hobart race in 1983. I did a delivery back from Hobart to Eden in '81 and '83, both times in heavy weather and storms with some damage. And we bought this boat as a syndicate, five of us locally, in late '97 with the purpose of doing the major coastal regattas and a Sydney/Hobart race, basically because we were getting to be 50 years of age and it was time to do it.

Q6 O.K. Now the owners of that yacht?

A Ian Griffiths, local solicitor, Peter Carter, earth moving contractor locally, Peter Baynes, service station and bus line, Bill Butler, flower farming, all of about 50, and myself.

Q7 O.K. Now the boat that was entered in the 1998 Sydney to Hobart was in fact Midnight Special?

A Mmm.

Q8 Can you give me some details of that boat, please?

A She was a 40 foot modern style boat with a thin keel with a lead bulb on it, quite average for the modern style of boat with a so called fractional rig, a tall

mast, quite well equipped. It was a modification of a previous 38 foot design by David Lyons to try and make it more competitive. And they, this was the prototype. It had only been raced very lightly before we bought it. It was in good general condition. We bought new sails and, really, the boat was in very good racing condition when we entered the race.

A O.K.

Q9 Now how many crew were on board the boat?

A Nine of us for the Sydney/Hobart.

Q10 O.K. Now as you're aware there's a crew list which is prepared prior to the race.

A Yes.

Q11 The names that were on that list, is that in fact the crew that raced?

A It is.

Q12 O.K. Also prior to the race there is a - - -

A I, I guess I, I don't know that, I - - -

Q13 O.K.

A I've seen that list but I - - -

Q14 Righteo.

A - - - I'm sure it would be.

Q15 O.K.

A Yeah.

Q16 I'll take you - - -

A Yeah.

Q16 - - - draw your attention to - - -

A Yeah.

Q16 - - - an I.M.S. certificate.

A Yeah.

Q17 You'll see that the stability index on the certificate is 122.5?

A Yeah.

Q18 And the calculated limit of positive stability is 125.5?

A Yeah.

Q19 Do you understand those figures?

A Yeah. I believe I do. I understand a lot better after reading a bit and thinking a bit after this race. Yeah.

Q20 Right. O.K. And are you aware that the Sydney to Hobart is a Category 1 ocean race?

A I am, yeah.

Q21 And are you aware of the minimum stability requirements for that race?

A I believe so, 115 was what I believed.

Q22 That's correct.

A Now could I take you to the 27th of December, 1998 and in our own words you can relate your experiences to us.

Q23 Well, we started that day, having raced hard during the night and in a fairly good position. We had expected a strong southerly change in the small hours of the night, we'd seen electrical activity, the breeze had increased behind us. We'd spent the last few hours of the night under a double reef and a number 4, which is much less sail than we'd ever been reduced to before in

that boat, and the dawn was fine. We were off Eden. We were holding a bit west of the fleet and very close to the rum line as a tactical move. We were in good southerly current and we were suffering, well, three or four of the crew were significantly sea sick so they didn't eat any breakfast. Otherwise we were in good shape. The breeze at that stage was north-west and swinging steadily through to west and we entered Bass Strait at about 10.00, passing Gabo Island, we saw it, we could see Gabo. Still in clear weather, there was some nasty low cloud off of to the south-east of us at that stage, moving fairly rapidly from west to east perhaps 10, 20 miles ahead of us. We didn't quite know what to make of that 'cause the sky beyond and above it was very clear. Conditions were good entering the Strait we were reaching. The breeze had dropped, we'd increased, I think, to one reef and the mainsail and number one headsail at that stage but I was off watch having a sleep then. And I, when I came back up, which I think was midday, the breeze was building, seas were getting short, but it was a familiar situation to me. I'd been twice there in these southerly changes and the seas get very steep, remarkably so, and the boat gets knocked around a little bit. In '81 we threw the wind instruments off the top of the mast in a, similar seas heading north with them. And about, oh, quarter to 1.00, I was steering at that stage, the seas were getting difficult to manage, the crests were breaking,

the wind instrument had blown off the top of the mast at, I think, the last speed we saw was 55 knots. About quarter to 1.00 we, I was caught by a breaking crest and we were heading south, we were on starboard tack, wind about 60 knots, I was thrown off my perch to the limit of my safety harness and then fell onto the life raft or tiller and broke a rib, not enough to stop me steering, and things were obviously getting a bit nasty. We talked then about possibly turning around at some stage. It didn't seem necessary. We were expecting a 60 knot front and we had got it. We were then down to a storm jib, having pulled the main off completely, and we made the decision at about 1.00pm that we would wait for the 2.00pm or 2.15pm position sched and we were making about 10 miles an hour south, we believed we were well placed. The sched confirmed that, we were very well placed in the race, and there was some enthusiasm for continuing. I personally was very enthusiastic for going back because it was getting worse and I, again I knew what Bass Strait would be like when it got nasty because of the steepness and the height of the seas and the shallow water, the southerly current running into the, the oncoming breeze. And we listened to the sched, we heard I think it was Stand Aside in some trouble, and we heard shortly after the statement of skipper's responsibilities which of course we knew anyway, but we realised the significance of that. There was a suggestion over the radio from the

relay boat that we might get Beaufort force, force 10. I'd been on a ship that was sunk in New Guinea in a force 8 or 9 so I was pretty impressed with a Beaufort force 10 forecast. And then Lou Abrahams turned around on Challenge Again and he was significantly ahead of us, a very experienced fellow, he's done a lot of Hobarts, he's won one. He was in a very competitive position in a good boat, and when Lou turned around I figured he knew a fair bit more than we did about the area and we really should turn around. We were actively discussing that then, when Ian Griffiths was injured, the boat was knocked over again and he fell across from the navigation table onto the galley and broke his leg. He was shocked initially and I, being a dermatologist, was a bit worried about how much I knew about shocked people and broken limbs and so on and was worried about him breaking his thigh and having major blood loss. We soon established it was his lower leg and he hadn't swollen up and he wasn't going to lose a lot of blood. But that incident really changed most people's minds and a decision was made below decks really, without asking Bill Butler who was helming at the time, that we would turn around. There was some difficulty in getting the boat turned around just 'cause of the, there was a need to attach a, a second jib sheet that hadn't been put on when we put the storm jib up, and that meant Neil Dickson going forward and conditions were pretty extreme. That was done by Neil

and Bill steering. Then we headed north. We had about 30 miles to go to Gabo. The G.P.S. position, we, the two G.P.S.'s were both having troubles getting lock on 'cause of the violence of the boat's movement and we were only getting occasional point fixes on our G.P.S. map display or occasionally, maybe every 5 or 10 minutes we were getting an updated position on the other machine, just reading lat and long. So we knew pretty well where we were, allowing for the errors that would be in the instrument. We had been told that the storm was thought to be centred, or the low was thought to be centred about, off the east coast of Tasmania or east of Tasmania somewhere, which would've put it about 100 miles south of us. Gabo 30 miles north looked pretty attractive, and the intention was to get into shelter of the Australian coast somewhere north of Gabo and not to go ashore at all, to wait for the worst of the weather to go and then continue further south. Bill steered for about an hour and I was below, there was no chance of really sleeping under those conditions. We were being thrown around in the boat a fair bit and we certainly discovered that you need seat belts or some other restraint on the bunks that aren't actually hidden in the ends of the boat, the bunks in the saloon are no safe place when the boat's thrown off the top of a wave. The crew in those midships bunks float around and, when the boat lands, they land

against some point on the boat and they don't know how to predict which it is.

Q24 Yeah.

A It's a nasty feeling floating around in zero G for a second or maybe 2 at the most, I guess, waiting to land on some point and you don't know where it is. We, I, I went up and steered then. We, we had four main helmsmen. Ian Griffiths, who was now injured, Peter Carter, Bill Butler and myself, probably in that order of, of experience and skill, I suspect. So we're down to three helmsmen and I went up and conditions were terrible. You couldn't hear a man shouting unless he actually shouted into your ear. There was a very high pitched noise from the wind. There was a dull white light on the sea, there was a, waves which were getting up above 12 metre average and the occasional nasty breaking one which was considerably higher. It's always hard to judge waves, of course, that's well known, but even trying to measure it against the height of the rig or the height, the length of the hull, it was clearly over 12 metre average. And we were heading north under a storm jib, trying to climb up the face of the waves fairly close hauled and bear away down their backs, which was probably the most seamanlike thing to do, the safest thing to do. And I steered for an hour and a half then. The time was extended because I lost control of the boat on one of those 15 metre waves and we, we were knocked sideways. I, the, the mast went

down to the water, well below the horizon, down the face of the wave, probably 30 or 40 degrees below the horizon, but just lying flat on the water and the boat skidded down the wave and I thought the leeward rail, leeward edge of the boat would trip us and we would capsize and roll over, but we didn't. But during that, Neil Dickson down below was injured. He was knocked out. And Peter Carter was injured and had several ribs broken. Neil Dickson was a very experienced crew member and could've helmed well and truly. He's done two handed races with Ian Griffiths before. So we now were down to two helmsmen, so I did that longer time. It was very frightening really. The difficulty was the occasional combination wave, not just the average one but the combination wave. To me, they seemed to come pretty much from the same direction but the crest of the wave would be moving rapidly because of wave interference and combination effects, and it would dance up in front of you and just break and, if a 5 metre wall comes at you a boat length ahead, there's not a lot you can do. I got below after that hour and a half, which would've been in the late afternoon then 'cause we'd turned around at about 3.00pm, and I tried to rest. We could hear a lot going on the radio, mainly Team Jaguar making a nuisance of themselves all the time you know, they really did dominate the airways a lot, I felt. They were, didn't know their position, but then nor did we really. Our G.P.S's had

both been saturated, as had our radio in that main knockdown I just described. So we then had no position keeping other than dead reckoning. And Bill Butler steered into the dark and I came up perhaps half an hour after dark at about 8.00 or so at a guess, maybe 8.30, probably 8.30 down there, and I steered for an hour. Conditions hadn't improved at all. You, you could occasionally see the moon. You really couldn't see the waves very well and I gave up sitting on the windward deck, I tried to look at them because of the, I guess I was getting fatigued, I was getting cold, certainly hard to keep thinking. And I ended up getting my crew member and myself sitting on the cockpit floor, steering. So you're, you're steering by the jib and the wind and I'd survived the previous crossings of Bass Strait under severe conditions that same way. And it seemed quite reliable. You didn't see the waves coming but you knew the timing of them and when the next one would be and you could feel whether there was a big set coming. And at the end of that time, somewhere around probably 9.00 or 9.30, I, I'm vague on times, I'm sorry, it might be later than that, Peter Carter came up, despite his broken ribs, to steer. Bill and I were really getting worn out. And as he was coming up, I saw a red distress flare over in the eastern or south-eastern horizon. Peter saw that also, I think, but certainly I did. And I went below to report that and Pete took over steering in the same

position I'd been. Team Jaguar again occupying the airways for the next 10 minutes or so with a firing of a red distress flare on the instructions of the race relay boat so that their rescue boat could, could find them. They didn't succeed in finding them. When I reported the flare I'd seen, Race Control thought it was probably Team Jaguar's flare and we then attempted to sort out positions. Two other boats came in and said they'd definitely seen my flare at a different time several minutes later, or several minutes earlier than Team Jaguar's. And I was standing by on the radio while they were trying to triangulate a position. My estimated position, which we'd only managed to get one reading off a handheld G.P.S. which was obviously an error, it gave a vertical height of minus 374 feet, there was some amusement that that was a bit premature. And I was standing by, I'm not sure whether I went to sleep. I don't know how much time passed but the next thing there was an immediate, a, a massive impact, weightless in the cabin and then suddenly covered with very cold water, a large quantity of it. Under water, pressure rising rapidly in the ears and I believed we'd hit a ship and were going down. I thought we must've torn, torn the bow off or the keel off or something. But the, the water went away, we could stand up, there was about 2 feet of water in the, in the floor of the boat, the boat was upright, the keel bolts were intact and obviously the main hull was intact but the deck

over our heads had been split open on the port side. Peter Baynes really took control. He, he was the most clear headed of us. I think my tiredness and hypothermia almost paralysed me, and Baynsey ordered a head count and we established everybody was on board but Peter Carter, who'd been steering, was severely injured in his back, couldn't move, although he could, he could move his hands and fingers toes. He wasn't paralysed. So we started, we decided no, not the life raft, we could keep this thing afloat. The mast was obviously down and we had to get rid of that. We decided to activate the E.P.I.R.B. and I did that. We decided to fire red parachute flares. Roger Barnett, one of the crew who supplies that equipment, misfired one and it bounced off the deck and I took over firing the flares. Fired three red parachute flares and we found the tools to, to get the rig off. I was physically incapable of going up the foredeck under those conditions. The steering had gone 'cause the tiller had broken off the, been flattened, our, well, the 1 inch alloy pipe tiller had been flattened on the cock pit floor and broken off from the rope post. So the boat was spinning, waves coming from any direction, same height of waves, same wind, and it was mayhem really. I spent most of the next hour or 2 hours pumping the bilge through the cockpit pump, cutting away the rigging and the lines and we got the rig off, we managed to get the main sheet around the

rudder post with enough tension on the winches to hold it from spinning so we had some directional control and the engine started. Once we were sure we had all the lines away and wouldn't foul our prop, we started the engine. At that stage I went below, being very, very cold and tired. Peter Baynes stayed up for another or two, which was probably til close to 2.00am. And he was able, by fiddling with the engine revs at low idle and the steering, to hold the boat with its starboard bow to the waves which was probably what saved us during the night, I think. We'd stuffed the hole in the deck which was a, a compression downwards of the deck with a tear through to the foam sandwich structure immediately after the main bulkhead beside the mast, running from about 300 mil inboard from the edge of the hull to almost the centre line of the boat. So it was nearly a metre, probably would've been a metre or even more long, about 300 mil gaping open, and the three windows on the side of the boat aft of that broke and then popped out, so we would've had about a square metre perhaps of deck open to the sea on the port side. We stuffed sail bags etc. into those but they really wouldn't stay very well and we tried below, tried to give out pain relief, we'd got Pete Carter down below as soon as we could earlier on and I'd checked he wasn't paralysed etc. Couldn't do much about hypothermia for him. We had most of the water out of the boat but we really were lying on the floor or Peter

was, I was, our legs on the floor were getting cold. Gave out some pain relief, wasn't game to give too much to Pete ... his conscious state and I didn't want depressed. Gave Ian Griffiths a bit of a stronger thing, the Endone, and we dozed as best we could. Peter Baynes tried to make a cup of tea but we just couldn't find the bits to do it with, the matches ultimately. And we bailed with buckets when we needed to, when water came in. We certainly were violently, were heeling a lot of the time but we don't believe we rolled again during the night. We were thrown around a lot in the boat. At 3.00am or so, Griffo said he heard a turbo prop above, and I seemed to be the flare man and I had all my gear and harness and everything on so I dashed up and there was navigation lights flying away from me a couple of miles away, fairly high, a few, probably, well, I thought about 2,000 feet. I fired a flare and it immediately banked to starboard which put it, almost heading from left to right across us, upwind of us. And I fired another flare and it, the aircraft honed on that as it came over. It then did three passes, the first one quite low with full lights on, inspecting us as best it could, I guess, and I flashed the torch at it, an S.O.S. It did another final pass, I think those passes were at 90 degrees, did a final pass and flashed its lights, waggled its, its wings. We believe that was an Orion, and we thought we certainly be in for rescue in the morning,

first light perhaps. At the very first of the light there was a Beechcraft twin, heavy twin, over us at low altitude. I fired a handheld orange smoke flare. Position was good, they stayed with us and about half an hour later when there was actually light, the chopper arrived. It came in overhead with hand signals, are you right?

Q25 Yeah.

A The swimmer in the chopper, it was the red, white and green Iroquois type chopper, the swimmer, with hand signals, looked at me, interrogating nod, thumb up so I gave him a confirmatory nod and thumb up that I was all right. He pointed, I believed, at me and then to the water so I pointed at me and then to the water and he gave a confirmatory nod, so I jumped over. I said to the others that they were going to take us out of, rescue us out of the water rather than on the violent, moving boat. We had thought of putting our raft over the side but we figured if we lost our raft, we were in real trouble, there was nowhere else to go then. So we preferred to swim. And the rescue took two or three minutes. I believe that I would've drowned within 5 minutes or so even with the good, high quality inflated jacket, 15 Newton jacket, flotation device. I believe I would've been drowned by the white water from the bigger waves. Certainly I took a lot of water. The swimmer was very good. He, I made the mistake of taking a couple of strokes towards him and met a very

firm arm in the chest to keep me away from him and, you know, Sir, Sir, are you all right, and I realised I wasn't meant to be panicking and confirmed that I hadn't panicked and I was all right. And we had a little bit of trouble actually getting the sling over the inflated jacket, vest, the R.F.D. inflated vest was a bit big. We tried to deflate it. I couldn't remember an, an early deflate system. The knife I'd taken with me had fallen out of my pocket, the safety knife he had, the plastic enclosed blade wouldn't cut the inflated surface, so he lifted me with the sling around the jacket which was a bit slippery and he and I both worried about slipping out of it, but it worked all right. I got up into the chopper. I didn't see the boat again after it had drifted maybe 50 metres away from me, but they told me it was about 200 metres away when I was lifted, the motor still going and being blown pretty fast. And into the chopper and put down and given something to hang onto, which really was I think just to keep me quiet, and there was a delay and Roger Barnett came up next and told me that the boat had rolled again and I looked down and saw the boat low in the water, much lower than when I'd left it only a few minutes earlier. And Griffio came up next and then Trev McDonough. When I got into the chopper, I was the first person in the chopper, they obviously wanted to know how many there were on board. They thought there were only the three that they'd seen. As soon as I

confirmed there were nine of us he got on the radio for, called a second chopper. When we had four on board the chopper, the fellow who seemed to be in command in the chopper, a young medic I think, made inquiries about fuel state and decided to take one more off, which was the fifth person, I can't remember at the moment. And we left, the new, the A.B.C. chopper was filming a minute or so after that rollover would've occurred actually, and that film's been shown a lot when Peter Carter was pulled out of the water, he's the fifth, other one. They assured us that the second chopper was only 10 minutes away and we flew back. It was obvious when we got a few miles west of, oh, more than a few, maybe halfway back in, there was a very obvious line where the water was very rough and closer inshore it was smooth, which we presume was the, the southern current hitting the wind. Landed at Merimbula, taken by ambulance to the hospital. That's probably about it.

Q26 O.K. Did you guys receive an independent weather report or employ anybody to give you tactical weather reports?

A No, we didn't.

Q27 Did you attend a weather briefing prior to the race at the C.Y.C.A?

A I didn't, Peter Baynes did.

Q28 O.K. Were you aware that there was a life raft flare demonstration at the C.Y.C prior to the race?

A Yes, yes.

Q29 Did, did you guys attend?

A Oh, well, I believe so. Yeah. I, I can't remember that. I, no, I can't remember that.

Q30 That's fine.

A Mmm.

Q31 Did any of you guys attend that, that you're aware of?

A No.

Q32 O.K.

A Well, I don't know whether Peter did or not.

Q33 O.K.

A Mmm.

Q34 Now you mentioned - - -

A He, he was, he was in Sydney, he was delegated to attend such things but I don't know whether he attended that or not.

Q35 Right.

A He, he must've because he certainly had had a lot of advice of what aircraft were, what aircraft were involved. He, he told me the Beechcraft and he told me what the Beechcraft would have on board it, so I'd say he must've gone to something.

Q36 Right. Now so far as fatigue's concerned, that played a big role after that first - - -

A It played a big role, yeah, yeah. We, when we started feeling tired, having raced through the night before -
- -

Q37 Yeah.

A - - - in the fairly heavy conditions, fatigue played a very big role - - -

Q38 Mmm.

A - - - in, much more so because we were so short of helmsmen because of injuries.

Q39 Right.

A And a bit of seasickness.

Q40 Now you mention that the wind speeds were 55 knots that you recall?

A That was our highest recalled. I'm certain it got a lot higher than that - - -

Q41 Right.

A - - - but that was our highest registered - - -

Q42 O.K.

A - - - recorded figure.

Q43 Now in relation to the radio transmissions from Team Jaguar, you mentioned on the second occasion they were about 10 minutes in duration. What about the first time? Do you recall?

A No, I don't recall.

Q44 O.K. Was it a situation that you became very annoyed about, as a crew?

A I wouldn't say we were very annoyed about it.

Q45 Mmm.

A We felt it was unseamanlike and selfish of them.

Q46 O.K.

A I guess we felt they'd panicked.

Q47 Yeah. So far as the batteries on board - - -

A Mmm.

Q47 - - - Midnight Special, what type of batteries are they?

A They were two 12 volt batteries designed for marine use, secured in the proper way and with a, a plastic hood over them to retain air when the boat was full of water and, yeah, I'm, I'm nearly sure that's the only reason that they worked after being immersed for probably an hour before we, before we tried to use them - - -

Q48 Right.

A - - - to start the engine.

Q49 Do you have a long and lat of when the boat went down approximately?

A No. We asked the helicopter pilot as we got out how far out we'd been - - -

Q50 Yeah.

A - - - and I thought he said 35 miles and everyone else thought he said 55 miles.

Q51 Right.

A Somewhere east of Merimbula.

Q52 O.K. Now medications that you carried on board - - -

A Mmm.

Q52 - - - the vessel, what were they?

A They were the standard as per the A.Y.F. kit - - -

Q53 Yeah.

A - - - and the ones that we used were the, an Endone, a single Endone tablet, which is a narcotic pain relief

tablet that I gave Ian Griffiths with his broken leg at
about 1.00 in, 1.00 or midnight, 1.00am - - -

SENIOR CONSTABLE UPSTON

Do you want me to answer that?

DETECTIVE SENIOR CONSTABLE GRAY

Q54 No.

SENIOR CONSTABLE UPSTON

Want to leave it?

DETECTIVE SENIOR CONSTABLE GRAY

Q55 O.K.

A All right. And a non steroid pain relief thing called
Ibuprofen which doesn't sedate people, which I gave to
Peter Carter. They're the only ones we used.

Q56 Mmm.

A Oh, not true, I, I myself swallowed some of that
electrolyte powder, gastrolite powder because I was
cramping badly.

Q57 Right.

A I couldn't interest anyone else in doing that.

Q58 Right. Now the first roll, how would you describe
that? Was it a barrel or was it a - - -

A I really can't.

Q59 Right.

A All I know is that I was on the nav table, which was
starboard midaft part of the saloon, and that when the
water came over me, I believe I was on the roof but
upside down, and that that probably went on for 30

seconds. It wasn't enough for me to believe I was running out of air. And then it was upright.

Q60 Mmm.

A And I was in the middle of the boat.

Q61 Right.

A So I'd moved forward a couple of metres.

Q62 O.K. Dave?

SENIOR CONSTABLE UPSTON

Q63 The clothing you wore, you were saying that a lot of the crew suffered hypothermia? ..

A No, not a lot of the crew, those two of us who were, well, mainly the two of us who were steering.

Q64 Right.

A We were rotating others so we'd had two on deck at any one time, this was in the storm, one helming and the other helping, doing communications, spotting waves, recovering the tiller when it was knocked out of your hands.

Q65 Mmm.

A And they were only up on deck for an hour at a time and there were three or four of them rotating. Bill and I were the two who really got the hypothermia.

Q66 Right. Well, you were wearing wet weather garments?

A Yeah.

Q67 What sort of undergarments were you, did you have on at the time?

A I had so called thermal gear that I'd worn in the Sydney/Hobart in '83 and trips back for, on my legs. It's a, a low density, air trapping - - -

Q68 Mmm.

A - - - woollen style thing, just baggy pants, and I had a, a thermal jacket, a felty, synthetic thing that my brother had given me the year before on my chest over a T-shirt. That, yeah, that's what I had on.

Q69 Right. Were, were those garments saturated with water?

A Oh, yeah, yeah, there was enough, running down your neck and so on to get 'em pretty wet, although the water's warm inside like a wetsuit. The, the gear that I had was what I thought would get me through a, a cold front situation in a Hobart race, but not as good as southern ocean gear and - - -

Q70 O.K. With the, the firing of the flares, and you said there was a bit of a mishap where one of them actually discharged and bounced off the deck, is it the case where a lot of inexperience is, is, is caused through misfirings and, of flares?

A Well, Roger Barnett runs the local agency that sells flares, services, life rafts, we bought our E.P.I.R.B.S. and safety gear from him. Yeah. I don't know, I wasn't looking, I don't know whether Roger slipped or what. I suspect that he rushed things a bit and he just fired it upside down. I had been delegated the job of safety officer on the boat, and so I'd looked at everything carefully and I knew which flares

were which and how they fired so I became the next one to fire them.

Q71 Right. Do you think it'd be the case - - -

A I think that you're right, that probably on our boat only half the crew would really have known how to fire a flare - - -

Q72 Mmm.

A - - - and that's a failing on our part.

Q73 Yeah. Do you think it'll be prudent now to conduct your own safety instructions prior to commencement of races so that everyone's conversant with how they work?

A Yes, we, we always believed that and I, I used to try and get people to have a look at the flares and have a look at the, how the man overboard button on the G.P.S. worked and I raised those issues on Sydney Harbour, but the difficulty is that we, nobody's terribly interested at that time. However we had a particular position where we had planned a safety man overboard drill night sail for a couple of weeks before the, the delivery to Sydney, but our rudder broke and we had to have fit a replacement rudder and the boat was actually launched on the afternoon before the last possible date we could leave for the delivery to Sydney, and we missed our big safety thing.

Q74 O.K. Are those, the pain relief, are they the standard that you would carry on a vessel in a Category 1 race or - - -

A Yes, I had - - -

Q74 - - - is it the case that - - -

A Sorry.

Q74 - - - is it the case that because of your medical background, that you decided to take stronger pain relief with you?

A No. They were the, we, we had the minimum A.Y.F. kit on board. I deliberately didn't take injectable morphine, which is recommended, because as a dermatologist I'm not using those drugs normally and I felt happier not having that responsibility.

Q75 O.K.

DETECTIVE SENIOR CONSTABLE GRAY

Q76 David, in relation to next of kin - - -

A Mmm.

Q76 - - - were there any problems experienced by your next of kin insofar as finding out your location and, that you're aware of?

A Well, no, there weren't but that's because of the circumstances. My wife heard on the evening news that some boats were in trouble but that we were well positioned, well, she hadn't heard that in the news, she heard that from the yacht club, I believe, or the number she had to ring the C.Y.C. She went to bed and in the morning had a phone call from Roger Barnett's wife, who Roger had rung from the airport at Merimbula
- - -

Q77 Right.

A - - - to say that we were safe ashore.

Q78 Right.

A So there was not that question. Friends of mine trying to find information said the internet was choked and they couldn't get anything useful from that. Others didn't seem to have too much trouble but then we, our position was never in much doubt, I don't think.

Q79 Mmm.

A We were on the air and then we were off the air and they knew pretty much where we were - - -

Q80 Mmm.

A - - - and they confirmed it several hours later. People who called, or one of my friends heard it on the 10.30 news that we had lost, that they'd lost contact with us. I don't think there were any problems.

Q81 All right. Now as far as you're aware, the boat sunk?

A Yeah. It's believed to have sunk.

Q82 And has there been an insurance payout - - -

A Yes, there has.

Q82 - - - in relation to that boat?

A There has.

Q83 O.K. Now look, did you have any problems with harnesses on board the vessel?

A I didn't, I didn't, but others certainly did. Two of our crew, I guess I did. I had, I was injured because I was thrown the length of my harness and then had a distance to fall to the boat that had fallen ahead of me or rotated ahead of me, rolling down the wave. And I afterwards hooked my harness several times around

things and back to myself, to clips to my chest so it was short and I couldn't be thrown far. But in the second roll, two members of the crew, Trev McDonough and Bill Butler, neither here today, were both on deck, the boat was upside down for about a minute, they say, and both of them were unable to undo their harnesses when they believed that that was the only way they could live, physically unable to undo their harnesses and convinced, in Trevor's case, convinced he was going to have start breathing water. In Bill's case, he'd taken a broken nose and a broken thumb in the roll and he got tangled around the boom. He was already taking in a lot of water, and Bill was convinced he was going to die because he could not undo his harness.

Q84 But when you say physically, was that due to exhaustion or lack of strength or was it due to a mechanism on the
- - -

A Due to the mechanism. Yeah, Bill may have been confused and in great distress etc. but Trev McDonough, well, he commented on how quiet it was under the water and that he concentrated on undoing his harness. He knew the helicopter was there. He's a bricklayer, he's very, very, very fit, very strong in the arms, he could not operate the mechanism.

Q85 O.K. What type of harnesses were worn by, by the crew? Were they all the same or were they all their own?
(Tape Beeping)

A They were - (Tape Beeping) - the boat had standard harnesses and at least two of us, Roger Barnett and myself, wore our own gear using the, the same strops with the same two Karabiner clips, but with a different chest attachment. They were the R.F.D. inflatable things, and I believe I would've been able to undo mine because the Karabiner hooked into a D-ring, whereas on the standard ones on the boat that I've got here, it has to go through a hole drilled in a sheet metal plate and unless you have the orientation right, you need two hands to do it, you have to undo the clip with your thumb, hold the rest of the Karabiner in position and slide it through that hole. Trev said he couldn't do it, not because he wasn't strong enough but because he couldn't hold himself in a good enough position really to do it.

Q86 Mmm.

A He couldn't force it through against the water turbulence.

Q87 Yeah. And you've got those harnesses now with you?

A Yeah. They're here.

Q88 O.K. At the end of the interview, would it be possible for me to obtain one of those harness and lanyards from you for the purposes of the - - -

A Yeah.

Q88 - - - further investigation?

A Yeah. Yeah.

Q89 O.K. Is there anything further, David, you'd like to say in relation to the, the race that you haven't mentioned, any ideas, suggestions you have?

A I made the suggestion that in my addition, addendum to the questionnaire for the C.Y.C, firstly that there should be seat belts or some other quick release restraint fitted on bunks, which would be cheap and easy and would've stopped a lot of injuries being thrown around in the cabin, and that I thought there should've been more attention, well, the suggestion wasn't that there should've been more attention given to people who were volunteering weather condition reports during the sched, but that we should introduce into yacht racing a, a situation of declaring severe conditions and inviting weather condition reports from strategically placed boats in the fleet, and I have subsequently heard a suggestion that there should be a weather station, a weather reporting boat positioned in Bass Strait. That would solve this particular, well might not solve but it would've given them warning in this particular circumstance, but for some others I think we should be encouraged and allowed, rather than discouraged, from reporting conditions when we think it's appropriate.

Q90 Mmm.

A There's a tradition of not doing that, because it is interpreted as team racing and assisting your friends to - - -

Q91 Mmm. Anything else?

A You asked about the self righting figures.

Q92 Yeah.

A I, it's amazing how foolish you can be when you think you've been thorough. Even though I knew what that figure was for the limit of positive stability, I had the idea the boat was self righting. In other words, I had the idea that, while it would roll past that position, once it stuck its keel in the air it would rock enough, it would be unstable enough either side of vertical to roll back close to that position and thence fairly easily back upright, and particularly reading Scott Judgson's article in the C.Y.C's magazine I now realise that, that in fact the, the boats are going to take a lot longer to come back up, and there's no certainty whatsoever they're going to come back up. The figure that's mentioned for the Hobart minimum stability in Scott's article, the time that a boat might reasonably be expected to stay inverted is about 3 minutes and anyone trapped on deck would be drowned by then.

Q93 Mmm.

A So I'm, I'm now concerned about that.

Q94 Mmm.

A Mmm.

Q95 Concerned so far as increasing stability minimums for the race?

A It's not so much just a matter of increasing stability minimums, but there's the business of positive and negative moments for righting and there, there has to be a much lower, yeah, component of negative stability when the boat's upside down. I'm very concerned about some of the new designs with a long trench cockpit which would act as a catamaran when the boat were upside down. It would be very, very stable upside down.

Q96 O.K. Nothing further?

A No.

Q97 David?

SENIOR CONSTABLE UPSTON

Nothing further.

DETECTIVE SENIOR CONSTABLE GRAY

Q98 The time on my watch now is 11.10. This interview is concluded.

A O.K.

INTERVIEW CONCLUDED