

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Ronald Wayne Miller and Senior Constable David Upston of the Sydney Water Police on Tuesday, the 27th of the 4th, 1999, at the Townsville C.I.B. The time on my watch is now 9.47am. And also present, seated to my immediate left, is Senior Constable Stuart Gray from the Bega Detectives. For the purpose of the interview, Wayne, as you like to be known, would you like to state your full name, please?

A Yes. Ronald Wayne Miller.

Q2 And your address?

A 2 Hammond Street, Misterton, Townsville.

Q3 Your date of birth?

A 24th of the 4th, '60.

Q4 And your occupation?

A A builder.

Q5 Wayne, as I have explained to you, Detective Senior Constable Gray and myself are making inquiries into the 1998 Sydney to Hobart Yacht Race and we've been tasked by the Coroner to speak to people either directly or indirectly involved in the race, and I understand that you competed in the 1998 Sydney to Hobart Yacht Race on the vessel B-52. Is that correct?

A Yes. That's correct.

Q6 O.K. Could you just give me your sailing background, please?

A Yes. I, I've been sailing now for close to 19 years. I've done quite a bit of competitive ocean racing, a lot of racing around Townsville, a bit of offshore racing around Townsville. We, we take our boat as often as possible and compete in races like the Sydney Southport, the Sydney Hobart, be it this is, was only my second Sydney Hobart. We've just completed the Gosford Lord Howe Island race in October, just prior to Christmas. We've done the Lord Howe Island race five times. Basically, that's about it. Whenever I get a chance I go sailing.

Q7 Do you own the vessel?

A Yes, I do.

Q8 O.K. Is there any other owners in it at all?

A No, there's not.

Q9 And I understand that the vessel was severely damaged?

A Yes, it's been written off by the insurance.

Q10 O.K. And you've been paid out for that?

A Yes, I have.

Q11 O.K. Wayne, what, for the purpose of the interview I'll take you down to the 27th of December, 1998, after the start of the race on Boxing Day and you were travelling down the coast to Hobart. And I understand there was an approaching storm, severe winds and high seas. Could you tell me about your experiences there, please?

A O.K. Well, we, we had some very good weather information. We had a marine scientist, a marine

biologist on board, so we had all the scientific information that we believed we required for the race. We, we knew of the, the upcoming front and that there was a low pressure system there. We'd forecast at 45 to 50 knots of breeze. We've endeavoured while we were running in a northerly breeze to make it for the coast as much as we could and the plan was that we, we tacked or jibed as soon as the low hit us and that gave us room to bear away and, and handle the, the storm comfortably. We've, we've been in 55 to 60 knots of breeze before in the, the last Hobart we did. We handled it not a problem and 45 to 50 wasn't to be a problem. All, all our storm gear was in good condition, we were ready for, and well prepared for what we thought was going to be a 45 to 50 knot blast, and away we went. So, and from there the, the weather was deteriorating badly through the day. Will was pulling some information from various highest winds recorded at different places and we, by the time we had become aware that it was an intense low pressure system, we had discussed our options. Our options at that time were to either obviously pull out or go into survival mode and keep racing. This was some time after lunch, I'm guessing around 2 o'clock on the, on the Sunday. The true direction of the breeze was between 240 and 280 degrees, the swell was pretty much in the same direction. Our options were to have turned around, but as the breeze increased we had 68 knots of

breeze for sustained periods, generally, I, I would say, averaging around the 55 to 62 knots of breeze would be a, a fair assumption for, for some 4 to 6 hours. We were handling it quite well, it wasn't a problem. I was the principal helmsman and it was a matter of the waves had no backs on them, you had to come up, ride the wave at a comfortable angle and for us it was around the 110 degrees apparent with the storm jib only. We tried bare poles and were too vulnerable with the, the tops of the waves breaking. We, we tried every combination. We, we went for a trisail alone. You didn't have the manoeuvrability of the boat to be able to roll off the backs of the waves very quickly and, and steer. So the best option we could come up with was the storm jib which allowed the front of the boat to be dragged wherever we wanted it to go, and we were still in good shape. We, you'd get to the top of these waves, we, we seen and heard some of the ones breaking behind us and, you know, you're talking about maybe 1 to 200 metres behind us, you'd hear a roar and you'd see the whole top 3 to 4, maybe 5 metres of the wave just breaking. And I think the comments were, Thank fuck we're not back there in that, and as the day went on we, we'd see them in front of us, behind us, thinking the whole time that we're really playing dodgem's here and the best angle we tried, if we came up any higher than say 100, 110 degrees apparent true direction the, you'd just find

the boat would round up violently and it, it was just too hard, and the best angle to attack the waves was around that angle. You'd get to the top of the waves and they'd, we, we sort speared off some and free fell and it was to the point where if we continue to do this we will break the boat in two. So you'd get to the top of the wave and you'd just rip it away, the wheel away as fast as you could and try and slide the boat down the back of the wave and off to the next one. That was working fine and we were in good shape, we were heading more, of course, to New Zealand than we were to, to Hobart but we weren't racing for, for the best part of 6 hours, we were just surviving. And we were in a very good position, it was, you know, we didn't want to be silly and go gung ho, it was, there's no point. We're here to survive this storm. The, the last forecast, I had Will Oxley giving me all the updates from every centre he could, and the last update we had was from Peter Comstat that said the breeze was to abate. It didn't abate, it actually intensified. So our options were that we pull out and go back, to have pulled out and gone back, we would have been facing straight into the swell and I believe it would have been a more dangerous situation than to sail at the 110 degrees apparent with the same wind strength, we would have been heading away from the coast of Australia. At least in the situation we were, when, when it abated we could come up, like, down the troughs of the waves we

could head more towards Hobart. So on averages our course was probably heading due south, but running away at the tops of the waves when you had most of the breeze you'd run away as, as much as you could and we, we believed we were in the safest option. As I said, we, we'd dodged these waves for, for many hours and change of, of helm was at 6 o'clock. Mark Vickers took over, he's a very experienced helmsman, who I would have to say as good, if not better, than myself and some 20 minutes later we'd just gone down. I'd made the call, but it was five on deck, five off watch. I'd made the call half an hour before end of watch that I only wanted two people on deck, I didn't see the point in, in having five people on deck with a storm jib only, as we were in survival mode. And the call was that three people stay down there, If you have an opportunity try and make a coffee, be dressed ready to, if we need sail changes or anything done, but just stay down below and make yourself comfortable but ready to go on watch. And this is a watch system that, you know, longer races like the Whitbread use, and, and some of the round the world sailors. We, we had plenty of experience, we had no problems. We, we were in a comfortable position, we were doing it O.K. We, we hadn't destroyed any of our gear, we'd, we'd lashed the boom down, we'd, we'd prepared as, as best as possible that we could see for the race. The boat was very well prepared, it always is when we're doing an ocean race,

and, yeah, but we had some of the best information. So at about, between 20 past and half past 6.00 approximately, I'd only been in my bunk about 10 minutes, we, I heard, well, all of us, I think most of us heard this enormous roar that for me particularly I remembered as the roar I'd seen behind me and the roar I'd seen in front of me, and the whole boat was just engulfed and it was a very, it wasn't a violent action, it was a fairly, just, the wave must have been enormous because it was just a big roll and then the boat went upside down and stayed upside down for, we can't agree, somewhere between 3 to 5 minutes. At that point the, it was, we had sails on the roof, the boat had probably about, oh, half a metre of water in it at that point and the boat was sinking slowly, the water level was rising. Our main concern initially was the two people outside but there was nothing could be done, we couldn't get out to do anything there. So, excuse me, I've got this flu. The, the whole idea was that we just, everyone, we checked everyone out, and everyone was O.K. We did an assessment. Like, the first thing was, find the life rafts, find the E.P.I.R.B. We've always carried a 4-0-6 E.P.I.R.B. on board. To my way of thinking it's, it, it increases your chance of survival. We got the life rafts, we had time while we were upside down, I'd gone to the front of the boat, looked at the front hatch and I'd only just before the Lord Howe Island race fitted an extra heavy duty front

hatch because we'd, we'd had a problem with the aluminium cracking on the other one. And it was at that time that I think I actually said some prayers just to thank Christ we, we fitted that. I had a very good view out, out through the front hatch and that the plan was that we had the spinnaker pole which sits across the front hatch when it's down, and my first thoughts were, I hope to Christ the boys haven't clipped it in, otherwise we're going to have trouble opening this hatch, but we had time to discuss it. I got everyone there between Will, myself and, and John Byrd, it was, This is the plan, I want half of you to come up the front with me, half at the back as, I, I said, Don't touch the hatches til I say because we'll still have an air void here. We're sitting in a fairly, fairly good position. I think that was my words, why the fuck I come up with that I don't know, but the plan was that when we sank to a point where we weren't going to come upright we'd set the 4-0-6 E.P.I.R.B. off and if the boat continued to sink or, or lift at one end and, and trap us, then at the count of three we would kick the hatches out, get the life rafts out underneath the, I'd tie them on inside first, try and get them out, explode and get them under the, the lifelines, which were upside down and then explode them and hopefully from there it was just pray that everything would, would be O.K. There was no set plan after that, I don't think you could come up with one.

Everyone was sort of at the back of the boat and I was, I'd gone back up the bow just to re-examine the, the plan of attack because I was taking the bow, that was one that at some stage you've got to kick the hatch out and you've then got to get around the spinnaker pole so I thought I'd take that one and take three guys. And at that point we were hit by another large wave. We still can't agree fully, but I, I believe 90 percent in my mind that the mast was still intact. I looked out and I seen the forestay running up, I seen the storm jib and I was, I'm 90 percent sure the mast was still there. I was in the bow when the wave hit us and there was an enormous crunching, crashing sound which was one of two things, the keel snapping off or the mast snapping, I believe. And when we come upright I believe that's, that's what had happened, that the mast had snapped. It was holding us upside down. Again allowing for the, the pendulum motion of, motion of it sitting below, some 4 tonne of water in the boat, all the sails and everything else, the stability wasn't an issue at 180 degrees. That's why I still believe we're lucky that we did come back up. After that the, we, we got belted back upright. We had about a metre of water in the boat at that point. All the electronics were out. There was a charge going through the, the water in the boat. One of us dived back and the first call I made was, Isolate the batteries, turn the isolators off. We'd also fitted gel batteries to the boat which

I believe is half the reason we, we're still sitting here talking in this interview today. Otherwise I don't think we would have been. We, we came upright. First thing was, is, it was really very calm, very organised and we look back on it, there was no panic or, you know, We're all going to die, and screaming and yelling. We had a discussion and I, I don't know if Will brang this one up, but the discussion was, We need to turn the E.P.I.R.B. on and my comment was, You need to be in grave and imminent danger, and I think two of them grabbed me, What the fuck do you call this? And I said, Well, yeah, I, I think we're in good shape, like, we weren't, you know, the coachhouse was split open, the, there was massive structural damage to the boat, the, the crack was running one side to the other through the light holes and, you know, waves that were hitting us were splitting the deck and the, the, all the deck had compressed and furniture had popped out, and all sorts of things. But we just went about the job. The boys were bailing. I said, Look, is anyone up to going and getting rid of the rig? The rig at this point was laying over on port side, sitting on the life lines. And again another one of, we all believe the preparation of the boat, we put new life lines on 2 days before because we, we found one frayed wire in one life line. Pardon me. So again it was just, I've never been one to take any short cuts on any safety and we, the, the rig was resting on that. First thing we

did was we got outside. The two guys that were outside, Mark Vickers and Russell Kingston, we dragged them back on the boat. Mark was just in automatic mode, We've got to get rid of the rig, and that was my biggest fear down below, was, it's, Right, you're doing this, you're doing that, and, was if the rig lets go of the, the rail it's going to punch a hole in the boat and we've, we've got more of a shit fight, so Mark and myself went out and we spent, I guess, the best part, it seemed like about 3 days, but I think 30 to 45 minutes. We'd also pulled the rig apart up here. Just prior to going south we'd pulled the rig out of the boat, we'd dismantled every single fitting, we'd had everything crack tested, we'd lubricated everything, and that's just another reason that with rod rigging you're kidding yourself to try and hacksaw it or boltcutters or anything, you just throw them to the shithouse, you may as well not have them on the boat. We just pulled the split pins out, drove the pins out, threw all the rigging over the side, all the halyards and that were just an incredible tangled mess. It was pointless trying to pull them out so I just got a hacksaw and cut them, cut through the, the halyards that were attached to the boat. It was a plan, you know, No one touch anything, stand well clear. And once everything attached to the mast was over the side of the boat it was then a matter of, I figured somehow I'd be able to go and lift the mast and just flick it

off the side of the boat. Well, there wasn't a hope in hell. So we sort of waited for the wave actions, got the hacksaw on the top life line and just as we, we sort of reached the top of a wave and we started to pull away, the boat and the rig were trying to do this, you could see it on the life line, just hacksawed like crazy and, and lucky that the mast just pulled away from the boat and didn't even touch the boat. It disappeared, we then did the, the clean up procedure. I think, I've left turning the E.P.I.R.B. on. I, I, I can't actually remember at what stage, I think it was prior to going up on deck that we, we'd agreed, O.K. we'll turn the E.P.I.R.B. on. We tried communications on the radio, the radios were all out. Will had spent considerable time changing fuses down below, trying to dry the radios out. We had no communication at all. So at that point, I think within about an hour and a half or 2 hours that there was a plane over top, we were signalling to them. At that point we were still in, in serious danger. We had no motor going, the boat had been upside down, we didn't know if we had a motor. I said to everyone, Whatever you do, don't attempt to start the motor. I had visions of, you know, the motor being upside down, diesel oil sitting on top of the pistons, knowing that you can hydraulic a diesel motor very easily. So the knowledge of that was I, I talked the boys through to sit there for as long as it takes, rocking the fan belt and I, I don't know how long we

did that for, but the idea was obviously that the compression would hopefully push any oil diesel shit past the pistons, then, you know, we're only going to have one or two, if any, chances of firing this thing up. We, the helicopter come overhead. One of the criticisms I've got of ourselves is we didn't know the helicopter rescue signals. Will did, Will had done a, a survival course, so had one other person on the boat, so they took over that part of it. My plan was that we wanted to get young Lindy, our bow person, who's I think done most Hobart's, she's done about eight Hobart's, she'd emerged after the boat come upright with blood all over her head, her blonde hair was, was red and we were a bit concerned about her so we, Will strapped her up while we got on with all the rest of the things on the boat, you know, guys bilging, bilge pumping, guys bucketing water. And as the waves were hitting us we were keeping on top of it, but there was as much water coming in through the splits in the deck and the splits in the coachhouse. What happened then? Yeah, we, the plan was to get Lindy off the boat. Purely, my, my plan was that, and I've grabbed Lindy, like, I was down below doing something, I come up when they, they were already attempting to lift 'em off at the back. And I said, Well, look, this is fuckin' crazy, we've, we've got a boom back here, we've got wheels and you're tryin' to lift people off. And I took her up on the bow with Will and we tried

communicating with the, the helicopter that, you know, We're taking her up there, and, and giving as many signals as we could, and they had about four attempts. And speaking to the pilot afterwards he said he was on auto hover at 80 feet above us and we got to within 10 feet of him. And I mean when you're looking up at that time of night, I think it was around 10.00, 11 o'clock at night, we actually thought that he was out of control and couldn't keep the helicopter, you'd sort of lost, you know, view of the fact that you're in these 60, 70 foot swells that were going up and down. So what did we have, I think about four attempts at doing that. They had dropped a note to us that, that went in the water, got wet, and we were sitting up there with, there was Will, myself and Lindy with our hands on my leg trying to read this note with a torch, with, which was a normal piece of paper, and now we've since spoken to the, the helicopter guys and, and got on the piss with them as well, they're, they're great guys, and some of the things they've learned is we've showed them, waterproof paper, we had waterproof paper that we actually wrote down, Will was writing down the time we went, while this was happening, Upside down at such and such, E.P.I.R.B. on at such and such, and that's just what Will does. He's a, a consummate professional at what he does.

Q12 Mmm.

A Where was I? Yeah. We, we've attempted to get Lindy off, couldn't do that. The helicopter had assessed our position as being, you know, in trouble but looking O.K. capable of getting ourselves out. And when we've spoken to them since about the structural damage, I mean they're, they're just shattered that they couldn't assess that, and one of the things we said to them is, You've got to carry a radio that we can communicate with you. And although it's not their responsibility I mean the biggest, the only thing I could put into the whole thing is, Must carry a handheld V.H.F. in a waterproof bag. We've got two of them sitting in the bloody shed at home because they weren't a requirement, they were a recommendation. So that's another thing that we're kicking ourselves up the arse for and we, we've had our own long talks about it and what we'd do, and there's nothing we would change except a handheld V.H.F. and we all go and do a helicopter rescue course. So that's about the only thing I think we could contribute to it. But, anyway, after the, the helicopter had left, we'd gone through the process and the, the boys had said, I, I remember I was, I was laying down at that point. We'd had the water out of the boat and we were just physically exhausted. So I thought, I'll go and have a 10 minute rest. And we were just changing over rocking the motor. They said, Well, it's feeling O.K. I said, Righto, just give it a go, give it plenty of revs, and it started first kick

and that was it. We then, we went through, I think we got it going around 11.30 at night and we had the best part of 14, 15 hours of motoring. We got into Eden at 2 o'clock the next afternoon. And the motor home, we, we just headed due north. We weren't making anything towards the coast and the boys were steering for quite a while and I just took it on and said, Well, look, you know, we've got to get towards the coast. The closest flight for a helicopter, I don't give a rat's arse what happens, but we're heading west, and that was it. And when I went and did my steering stint we just headed west and we just got absolutely hammered and it was at that point the waves hit the boat, it punched all the port side, starboard side, must have been starboard side, starboard side windows in, just ripped the whole fibreglass out, the whole, like, the whole window frames with fibreglass attached were inside the boat, split the, the deck open more, split the, the, the coachhouse open more, all the cockpit, the internal corners of the cockpit were cracking structurally on the, the internal, like, corners, and the boat was opening up fairly badly, so, the hull was still in good condition. We'd sort of, we, I'd sort of then Well, O.K. we'll sort of head, I think the E.P.I.R.B. readings, which I've only just got in here, will show our course as going north, then west, then a combination of north-west, just to try and lighten the load. But we'd strapped spinnakers over the, over

where the windows used to be, strapped sails over, tied them down to the top of the boat just to slow the, the water ingress down and the boys were still bailing and keeping on top of it. Each wave that hit there was more splits happening and the boat was opening up more. What else happened? I think that's about it. The, it was just a complete shit fight the whole way home. We left the E.P.I.R.B. on. The, the reasons, I'm happy to talk to you guys about your thoughts on this. My thought on leaving the E.P.I.R.B. on was that, O.K. we know they can track us, we, we've got a 406, all the information's sitting in Canberra, we know that they can plot our course. And the whole reason for that was that we knew before the radios went out, we knew there was a hell of a shit fight breaking loose all around us and if they can, if they know we're heading in the right direction they're not going to waste 15 planes searching for B-52 in its last position if we turn the E.P.I.R.B. off.

Q13 Mmm.

A And we couldn't, I mean I'm happy to hear your side of it, I, we've had a lot of discussion about this and the boys were saying, We've got to turn it off. I said, No, we won't. The whole idea was that, why I wanted to get Lindy in the plane, one, in the helicopter, one was that to tell them that, Look, we don't have any radios, and the plan was, and I told her, Tell them we're going to turn the E.P.I.R.B. off so they can notify Canberra

to stop looking for us and get on with whatever else they've got to do. Secondly, if we turn it back on we're in a hell of a, hell of a situation. I mean, at the time the helicopter left we still didn't have a motor going. Had we had not got a motor going I, I honestly don't believe we would have made it. I kept, can't have seen the boat standing up to any more of that, made the assumption that we were O.K. and we're left out there floating. I, I really believe the boat would have broken up.

Q14 Mmm.

A So then, yeah, we finally got into Eden and sorted it all out from there.

Q15 O.K. So it was only just the one that was winched off?

A No one was winched off. We attempted to get her winched off, but we couldn't.

Q16 Oh, O.K.

A They'd had four attempts and it was too rough to get her off. The options I had at the time were to throw her in the water and get her picked out of there and there was no way in the world I was going to do that. You know, talking to these helicopter guys they'd been to other boats and said it was just a shit fight. There were people jumping in the water, people panicking. You know, we'd, we'd still held it together and I figured, well, I'm keen to let them know what we're doing but not to the point of putting the injured person in the water. She's much safer where she is

than putting her in the water. So no one was physically winched off, we got back under our own steam.

Q17 O.K. Did you fire any flares at all?

A Yes, we did. I, I didn't say that. The flares were, were fired when we first seen the plane, when we seen the helicopter we let off the, the appropriate flares.

Q18 O.K. Have you all fired flares before?

A No. We hadn't all fired flares before, but I think there was six or seven of us had, and that was again delegation. Will, Lindy, and I forget who else I've nominated, Go up, get the flares going, and I was, it's not exactly crystal clear, but either working on the motor or doing something at that stage.

Q19 Right. How many life rafts do you have on board?

A Two.

Q20 Was it ever the case that you were going to deploy the life rafts?

A Never. My, my whole assumption of life rafts were that to deploy them in, in that sort of weather, that they would have been flying in mid air, not sitting on the water. The only way, we had them handy, we put 'em back in their, their right position at the back, and I said to the boys that, you know, they were a bit worried when we started to, to split open and that, going home they said, We want to get one on deck. And I said, Whatever you do, don't put one on deck. And I'd had a sleep at some stage and woke up to hear the

story of the life raft that they'd put on deck had gone almost over the side and hadn't been tied on, and I sort of fairly went off about that, simply because you don't have anything on deck because you're more likely to get knocked flat. And we did. We got knocked flat more motoring home without a rig than we did in the race.

Q21 Right. What, what, what size is B-52?

A 41 foot.

Q22 O.K. And what design is she?

A It's an Ian Murray design, Bashford house and built by Bashford - - -

Q23 O.K.

A - - - in Nowra.

Q24 Now with the, you mentioned earlier the life lines. Do you also, is that could be the same as a jack stay?

A No. A jack stay - - -

Q25

A - - - jack stay is your, your webbing line, in our, our case, that you run front to back of the boat to hook onto your harnesses. Your, your life lines are on the side of the boat through your

Q26 Through the rails, O.K.

A Yeah.

Q27 Now with, you mentioned the winds being a constant for 68 knots. How did you determine those, those wind strengths?

A We, we, well, we've got all the wind instruments.

Q28 O.K.

A I physically didn't see 68 knots.

Q29 Right.

A The boys on the other watch did. I seen 62 knots.

Q30 Right.

A They were telling me they had sustained 68 knots.

Q31 O.K. And do you have analogue or digital readouts?

A Digital.

Q32 And what are those instruments?

A B & G

Q33 Which is?

A Brooks and Gatehouse.

Q34 Do you have data on their operation? Do you have sort of handouts, paper - - -

A We've got the full manuals.

Q35 Instructions?

A Yeah. We've got the full manuals for B & G.

Q36 O.K. Do they show a, a plus and minus factor?

A You can dampen them and, and do all that, but as far as an accuracy goes?

Q37 Yes.

A On the wind speed, I'm, not that I'm aware of. We, a guy we have on the boat, Mark Vickers, he's very up to speed and so is Will with, with tuning and resetting and, and recalculating all the electronics on board. Mark actually tells the technician from B & G in Sydney, I don't know if you know Stan at all, but can

tell him how to reconfigure all the instrumentation.
He's, he's very good at it.

Q38 O.K. So we'll ask, Will would be the best person to ask about that?

A Yes.

Q39 O.K. I show you a certificate which is an I.M.S. rating certificate for the vessel B-52. Are you aware of this certificate?

A Yes, I am.

Q40 You raced in the 1998 Sydney to Hobart under an I.M.S. division?

A No, under channel handicap.

Q41 Oh, did you? O.K. I point to you a stability index of 121.7.

A Mmm.

Q42 And also a calculated limit of positive stability of 119.0 degrees.

A Mmm.

Q43 What can you tell me about those?

A Well, they're, that's, that comes from a computer analysed positive stability as to the riding moment of the boat, to my knowledge.

Q44 All right. And you were saying that the roll, the period of roll from 180 back again was approximately 3 minutes?

A We, we were upside down for a good 3 to 5 minutes, yes.

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Q45 Right. And those persons that were out on deck obviously onto the life line and harness and, and lanyards - - -

A Mmm.

Q45 - - - can you tell me any more about what happened to those fellows?

A Mark Vickers was trapped underneath the boat. He was steering at the time. He was trapped underneath the boat. He unclipped himself to swim out underneath. The, the other guy, Russel Kingston, was, was thrown over the side. He resurfaced still attached to his - -
-

Q46 Life line.

A - - - to, to the life line, the, and the lanyard. Mark got swept away from the boat and then, according to him, swam back using the swell and, and just hung onto the back of the boat until, until it righted.

Q47 Right. With the, with your weather information that you received did you seek any outside information apart from the Weather Bureau's detailed instructions?

A Yes. Will, Will had done all that. Will Oxley had remained in control of all the weather information. In, the race rules state in the situation of, of life or death or whatever, you can seek outside information and he poll faxed through V.H.F. through the laptop computer, he'd poll faxed all the weather information he could get. So he was giving us updated information from, I guess only he could tell you, but it was, if

-
memory serves me correct, there was B.I.M, there was
somewhere on the north coast of Tasmania, there was the
oil rig reports, there was, what's the weather station?
Bloody - - -

Q48 Wilson's Prom?

A - - - Wilson's Prom. Again, Will - - -

Q49 Mmm.

A - - - through his scientific knowledge always says that
Wilson's Prom over reads, but he'd told us what the
highest wind gusts were at Wilson's Prom.

Q50 Right. And prior to the race?

A We'd employed Roger Badham to, to give us all the best
weather information. Will had spent 2 weeks, Will is
an absolute perfectionist, he had spent 2 weeks looking
at all the, there's, the model, models and surface
charts and spending a lot of time with Roger Badham,
and getting us the best information he could and I
think if you have a look, that we were one of the, the
furthest eastern boats at the time the front was
coming. And the plan was again, as we'd done in the
last Hobart with Will as the navigator, that the, the
plan was to sit there and then give us plenty of room
to bear away and just run with the, a front for as long
as it was.

Q51 Right. Were you aware of a life raft and flare display
held at the C.Y.C. prior to the race?

A I was aware there was one, yes.

Q52 Right. You didn't go to that?

A I didn't, no.

Q53 Did any of your crew, any of your crew go to that?

A Not that I'm aware of.

Q54 O.K. Stuart?

DETECTIVE SENIOR CONSTABLE GRAY

Q55 Wayne, was there any sea sickness on board?

A Yes, there was. I, I get sea sick, only when I go down and try and do something down below decks - - -

Q56 Right.

A - - - but I'm fine when I'm up steering or doing something. I was a bit crook. There was, I think, three or four guys that had a, a spew, but nothing to the point of incapacitated.

Q57 Right. Did that affect the routine of the boat at all?

A No, not at all.

Q58 O.K. How many were on board?

A Oh, 10.

Q59 Right. That's about all covered, I think.

SENIOR CONSTABLE UPSTON

Q60 Just one more question, Wayne, is, in regards to the life harnesses that you, that you wear and also the lanyards. How many life lines, how many harnesses and lanyards do you have on your boat?

A We normally carry 12, depending on the race. I think we may have been down to 11 which was one for each crew and a spare. Again, there were three of us that had the, the wet weather gear that has the, the harnesses

in the jackets and, and all of that. So that would have given us three spares.

Q61 Right. What, what make are the ones that you have on the boat, do you recall?

A I think they're Bourke's, from memory. I'm not sure.

Q62 And are you aware that they comply with the, the Australian standard

A They've got an A.S. number on them, yes.

Q63 There is an A.S. number?

A Yes, definitely.

Q64 O.K. And the ones that you carry personally in your, in your wet weather gear, the jacket, what make are they?

A They're Muster.

Q65 Right. And do they comply that you know of?

A They've got the tag on the back, the A.S. number, yes.

Q66 O.K. All right. Is there anything else that you'd like to add that you believe could assist us in our inquiries?

A No. I, really, I mean, it was a situation of the, the smaller boats got through that didn't wear the brunt of it. I mean, I, the helicopter pilot told us we were only 5 mile away from Sword of Orion and they had left us and gone to the Sword of Orion nightmare. You know, the Sword of Orion had chosen to turn around and that's when they got hammered. I, I mean, to our way of thinking we were in the worst of it. I think the boats ahead had missed the worst of it. Boats, smaller boats

behind had missed the worst of it. And, no, there was, I, we, I don't believe we had an option to turn around.

Q67 Mmm.

A The situation we were in when, when we knew that it was intensifying to what it was, we were some 70, 80 mile into Bass Strait and with a 240, 280 true wind direction I think it just wasn't an option to turn around.

Q68 Mmm.

A You know, if it had have been a, a true southerly, sou-easterly, then sure, turn around, run with it, but - -
-

Q69 Mmm.

A - - - no, I, I can't think of anything.

Q70 All right. The, the time on my watch is now 10.23am.
This interview is now concluded.

INTERVIEW CONCLUDED