

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Richard Purcell on Wednesday, the 3rd of November, 1999 at the Sydney Water Police in Sydney. Also present seated opposite me is Senior Constable David Upston from the New South Wales Water Police. The time on my watch is now 12.20pm. For the record, Richard, could you please state your full name?

A Richard Gordon Purcell.

Q2 Your date of birth?

A 14th of November, 1951.

Q3 Your address?

A 22 David Street, Mosman.

Q4 And your occupation?

A Builder.

Q5 O.K. As I've already explained to you, you are aware that Senior Constable Upston and myself are making inquiries in relation to the 1998 Sydney to Hobart Yacht Race and we have spoken to you on previous occasions in relation to the yacht race itself and we've also spoken to you on previous occasions in relation to a protest which is currently being, or under review by the Cruising Yacht Club of the Margaret Rintoul II and the Sword of Orion. Is that correct?

A It's not a protest, it's a hearing.

Q6 It's a hearing, right.

A An allegation of gross misconduct followed by actions after the sighting of the Sword of Orion.

Q7 O.K. And that is still ongoing, is it not?

A Ongoing.

Q8 Right. Now the reason we've brought you here today is to discuss a phone call which you received from Mr Rob Kothe, allegedly Mr Rob Kothe, on the 11th of October, 1999. Is that correct?

A (NO AUDIBLE REPLY)

Q9 The person who spoke to you - - -

A Well - - -

Q9 - - - informed you it was Rob Kothe?

A Yes.

Q10 O.K. So as far as you are aware, it was Rob Kothe?

A Yes.

Q11 O.K. Would you mind taking us through the circumstances of that phone call on the 11th?

A Now the phone call came through at approximately 3.00pm on the 11th of October, September.

Q12 Yeah.

A And I was busy at the time and I said to Rob that I would ring him back. I, because of the situation between myself and the club I rang my lawyer saying that Rob Kothe wanted to talk to me and we decided to return his call from my lawyer's office on the Wednesday, giving us a day in between to think about it and not rush into the phone call. I returned Rob's call on the 13th of October at about 11.15, in fact I'm

wrong in what I'm just saying there, he rang me on the 12th, the day before, so it must have been the Tuesday, O.K. But nonetheless, the reason why Rob rang me was to talk about his situation with the C.Y.C. and how he was feeling and how he'd felt as though he was on the outer with the club because of the Margaret Rintoul II, Sword of Orion issue. He wanted to know whether the club had said anything to me about Kothe and the Sword of Orion as, for the reasons that the Margaret Rintoul II is being charged with the allegation. I did say to him during that conversation that no, the club hadn't actually said anything to me about him but concluding the telephone conversation I, I, I thought through it, I went through my file notes and rang Kothe back, I think the following day, I've got file notes here that reflect what was said. And I did report to Rob Kothe that on five occasions he, he was used as the reason for the club pursuing the allegation of gross misconduct against myself. I told him who, who, what was said and who said it, the dates and the times and what Rob Kothe does with that information is, is his business. But the club was saying to me that they had no alternative but to press the charge because Kothe was insisting. We had some light discussion about what Kothe thought of the club and I told him what I thought and we had discussions about various individuals and we, we, we got onto the subject of Peter Bush. As, as you people know, the club interviewed, I believe, 27 or

28 boats and their, and certain numbers of their crews separate to the actual questionnaire that was issued on the outset. I was one of those individual boats interviewed by Howard Elliot, I think on the 24th of February and Kothe was also one of those boats who was interviewed by Peter Bush on the 28th of March. I think those dates are right, I'd have to go through my records. At the interview that I had with Howard Elliot, at the conclusion of the interview I asked Howard and, and, and I did pass this information on to Kothe during our conversation of the, the, the 13th of October, that I asked Howard Elliot had, had the Sword of Orion, Margaret Rintoul II issue been raised at the review committee meetings. And he said, No, that we hadn't and that we weren't included as the terms of reference and that he didn't suspect that we would be discussed. I, I asked Rob Kothe were we discussed at his, at his hearing with Bush and that's when Rob Kothe told me that in response to the question that went along the lines from Rob Kothe and the witnesses to that question were Carl Watson and Darren Sennobles, What's happening about the boat that sailed past us? Now his response to me was Bush lent across the table and said, Between us and these four walls we're going to nail Margaret Rintoul II. That was pretty much all we spoke about on that subject. I understand since there was a sentence that should have been added on to the end of that, according to Stuart Gray and David

Upston, exactly what the, what that sentence, how that sentence goes I'm not sure, but I think it goes along the lines, We're going to nail Margaret Rintoul II, quoting Bush, we're going to nail Margaret Rintoul II if she or if we can prove she didn't do the right thing. So I don't think it means, it doesn't mean anything more by tacking that sentence on, the thought, the fact that they, they were thinking of nailing Margaret Rintoul II whether she did or didn't do the right thing is, is irrespective. They had the facts, the information they had back in January is no different to the facts they've got right now, they didn't look at the facts, they were, they were hell bent for some reason in nailing Margaret Rintoul II and the review committee knew about it or certain members of that review committee knew about it. Richard Hammer knew about it and I believe John Mayo knew about it and I think other directors of the club also knew about it, but with attitudes that transferred via my navigator, Colin Betts, from Richard Hammond in April, at the R.S.L. barbecue at Manly Rugby Union Club Hammond said to Col Betts that he wasn't going to be sailing with us to Lord Howe Island, that he was going with Kiernan and from memory, to quote Colin, Richard Hammond said to Colin, Things are going to heat up for Margaret Rintoul II. And that, that information was passed back to me about 4 weeks later via Colin and my lawyer over a drink. So we knew that Hammond knew what was, what was

looming for us at the time and it disappoints us that he didn't tell us. Having sailed on the boat four times to Lord Howe Island and a couple of times to Hobart, not impressed. So there was, there was in my opinion a plot that started back in the very early days of that, from the very early days from when the review committee got together to investigate the Hobart. I've file notes here that I'll copy to you, that completes the bits and pieces of our conversation with Rob Kothe but that's about the strength of our conversation, it went, probably went for 20 minutes. I think what came out of that is that Rob Kothe now realises that the club pitted, pitched Sword of Orion against Margaret Rintoul II and vice versa. It was quite cleverly done in our opinion, although I might say Kothe didn't do anything to stop it and he had a perfect opportunity to do so prior it being released in the report. The club kept saying, it's Kothe and we have to do something about it, Kothe insists that something happens. We can go back to the record of conversation between myself and Kothe which commenced on week, the 17th of May, we were all trying to reach closure, as our famous Commodore would say, but whether Kothe wanted to reach closure or not or the club wanted to, to make an issue of it for a hidden agenda, I don't know, but there was no attempt really to reach closure, otherwise it could have been reached.

Q13 Do you, or are you aware if Mr Kothe is still insisting on action so far as the incident?

A Kothe said he never insisted on the action.

Q14 Have you been in contact with Mr Sennobles and Mr Watson about the conversation and the sentence that was put on the end of that?

A No, I haven't. No, I'm reluctant to talk to, to anyone off the Sword of Orion.

Q15 Now I believe that there's been correspondence between your solicitor and the solicitor representing Mr Bush, is that correct? Or a solicitor by the name of Harris who mentions the name Bush in his letter?

A Correct.

Q16 O.K. And the basis of that correspondence is in relation to what, letters and - - -

A The, the correspondence received from Deacons, Grahams, Jones written by John Harris in response to correspondence that we sent to them on the 8th of October regarding Peter Bush's involvement, explains why Peter Bush got involved with Mark Prite back on the 23rd of March when how inquired as to what could be done about the Margaret Rintoul II sailing past Sword of Orion. And the explanation in that letter, in summary, goes that Peter Bush was acting under instructions from the Commodore. So we, we think that he was acting as an agent for the Commodore, he obviously knew what was going on. If you, if you look back on the 1st of June and have a look at the video

tapes that were taken at that press release when they put the review out, the review report out, Bush stands up to answer two questions, the first question was about Business Post Naiad and Bush says that was not, that it wasn't, that it was not part of the report, it wasn't in the terms of reference of the report and that the matter was before the Coroner. The next question was the Margaret Rintoul II and in fielding the question from the press his response regarding the issue between Margaret and Sword of Orion was he knew nothing about it, but to give you further detail he would hand, hand that question to the Commodore who spent the next 10 minutes talking about us. Bush knew exactly what was happening because he was back in March talking to the then chairman of the protest committee.

Q17 Are you aware did Mr Bush have the authority to step outside the terms of reference if he was approached being, or holding the position of chairman of the race review committee? Was it lawful for him to make inquiries about that?

A I would have thought if, if the Commodore wanted, wanted the matter to be discussed that, that as it wasn't in the terms of reference for, for Bush and his committee, that the person they should have gone to was Hans Sommer who was then and still was the chairman of the race committee for the '98 Sydney-Hobart Race. They, I see no reason why they didn't go to Hans Sommer



to, to resolve it, why did they go to Bush, I don't know.

Q18 So any, any questions in the race which relate to protests and alleged charges and allegations of misconduct and that sort of thing, are they ordinarily dealt with by the chairman of the race committee or the race organising committee of that race?

A Yes.

Q19 And is it the case that the race organisers or the racing committee commenced an investigation into those allegations?

A Yes.

Q20 Right. And this didn't occur last year, as far as you're aware?

A As far as I'm aware it was being handled behind the scenes by Bush.

Q21 Do you have any explanation or reasons or any supposition as to why this was done? If you're prepared to tell us?

A Well, I can only think that they either didn't like me or they personally thought that I had done the wrong thing - - -

Q22 Mmm.

A - - - or that others outside the, the circle were pressuring them into doing it or they had a hidden agenda to, to deflect attention from themselves when they released the review report.

Q23 All right.

A There's no reason, I, I haven't done anything to the club as a member since 1979, I've only participated as a sailing member, I've never attempted to get on any committees, I'm a family man, I don't attend to the club much except for when I am racing. I had a run in with the club in '95 over the age allowance and they didn't like it and I didn't like what they did to me nor did a lot of the other club members and I represented over, over half the fleet for the '95 Hobart in attempting to regain the age allowance which was given to us for the '94 Hobart. But that's the only run in I've ever had with the club.

Q24 O.K. So as a result of this ongoing investigation so far as the Rintoul and the Sword of Orion, this has caused you a great amount of stress?

A It's caused me, it's caused me minor embarrassment but a lot of stress and a lot of money.

Q25 And do you feel that this thing should have been, or this incident should have been resolved earlier on in the piece with Mr Kothe, if he's insisted that he never wanted action in the first place?

A The club should have brought us together.

Q26 Mmm.

A Not to handle it the way they handled it commencing on the 17th of May with a, with an off, off the cuff telephone call from Hans Sommers. Not knowing then but now knowing that they'd been talking about it for 3 months and I didn't know about it.

Q27 Was there ever this year an invitation extended to you and Mr Kothe to meet to try and resolve this matter jointly?

A I don't know whether you'd call it an invitation extended, there was, there was the, the recommendation or suggestion by Hans Sommers that we try to resolve our differences.

Q28 Was that done?

A I attempted to, to do that and on record I, I've got the facts as to the processes that, that took place or, or the process that took place but in the end it was decided by, I can only assume Rob Kothe, that he wanted the club to go ahead and press the charges. I can only, I can only assume that.

Q29 O.K.

SENIOR CONSTABLE UPSTON

Q30 What were your, your thoughts on hearing what Hugo Von Kretsumar had to say at the press release?

A I was livid.

Q31 Do you feel that there was any reason why Hugo Von Kretsumar had to into what he said, into detail?

A I have no idea why Hugo made the mistake of saying what he said. Now he's since made a statement about that, sorry that, if our feelings or my family's feelings have been hurt, but I've got no idea why Hugo made, made such a bloody song and dance about the Margaret Rintoul II, Sword of Orion, no idea at all, except to

say that it falls back into one of the categories I just mentioned.

Q32 Mmm. Is there anything else you'd like to say, Richard, in relation to this particular incident, you'd like to add?

A About the Bush statement about nailing Margaret Rintoul?

Q33 Mmm. About what we discussed today.

A I think there was a fair attempt, that they wanted to nail me. We're going to, we're doing our darnedest to get our names cleared and if we can prove that there was a plot it's going to be a sick old bloody club 'cause I have a lot of support at the club, but not from the committee.

Q34 You mean the board committee or the race committee?

A Board and, and the board.

Q35 The board. O.K. Is that all?

A That's all.

Q36 The time on my watch now is 12.40pm. This interview is concluded.

INTERVIEW CONCLUDED