

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr William Riley at Sydney Water Police Station, Pymont, on Saturday, the 24th of July, 1999. Also present seated directly opposite me is Senior Constable David Upston from the New South Wales Water Police. The time on my watch now is 12.51pm. For the record, Bill, could you please state your full name?

A William James Woodman Riley.

Q2 Your date of birth?

A 15/10/40.

Q3 Your current address?

A 7 Upper Road, Forest Lodge.

Q4 And your occupation?

A Pharmacist.

Q5 O.K. If I could just get you to read that paragraph 1 to me onto the record?

A This statement made by me accurately sets out the evidence which I would be prepared if necessary to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Q6 And your age is? Your age?

A 58.

Q7 O.K. Now prior to this interview we had a discussion in relation to the Margaret Rintoul and the Sword of Orion incident.

A Yeah.

Q8 O.K. And you were called this morning by Senior Constable, Senior Constable Upston to come down here so we could discuss a few things with you. Now you recall that you were interviewed by us at the Cruising Yacht Club on the 29th of January, 1999?

A Yes.

Q9 That's the date I have recorded in my book.

A Fair enough.

Q10 And basically that discussion was about the Hobart race, in fact you were on board the Margaret Rintoul and also an allegation that there was an incident involving the Sword of Orion and the Margaret Rintoul whereby the Sword of Orion fired some flares and it's alleged that the Margaret Rintoul continued on.

A Yeah.

Q11 O.K. Now we've been informed over the last couple of days, your name has been mentioned as approaching the club and telling somebody in the club that in fact it didn't happen the way you described originally in your statement and further to that, that when the incident occurred you moved away from the helm in disgust and it's alleged that Richard made physical threats towards you.

A O.K.

Q12 This is what we've been informed.

A Yeah.

Q13 As I said to you - - -

A Yeah.

Q13 - - - before the interview. Could you make comment on that to start with?

A Yeah. No, it just, that's not what happened, that's not what happened at all.

Q14 O.K. So have you made any approaches to the club about this situation which is - - -

A No, I haven't made any approaches.

Q15 O.K. Now during that interview on the 29th of January, it covered a lot of things, but I believe that you've made some notes which you would like to read onto the record - - -

A Yes.

Q15 - - - to strengthen your original statement.

A Yeah. When I, when I thought about what I'd said before I realised it was pretty much the bare bones and I've been, obviously been thinking about it a lot and this is at to the best of my recollection what happened at that time. Richard was sitting under, and I'm just reading this off notes I've - - -

Q16 Yeah.

A - - - I have written. Richard was sitting under the protection of the dog house in the cockpit looking downwind. He yelled he'd seen a flare. I asked him what colour. He yelled back orange or red. I asked

him where, he pointed, but Dave Wiggins and I saw nothing. Richard asked me to be given, sorry, Richard asked to be given a torch and signalled the other boat. He said it was a dismasted yacht that looked like a Farr 38 or 40, I can't remember exactly. I assumed we would be turning back and yelled out to Richard we would need guys on deck and to make sure they were wearing harnesses. I yelled out to make sure it was impressed on them to be clipped on to something strong at all times. This took a few minutes. Then Richard yelled to me, We could very easily lose someone over the side here. I agreed with him. I was extremely concerned about the safety of our crew on the exposed part of the deck. As I've explained to the gentlemen here, Margaret Rintoul has a cockpit and dog house, offers a measure of protection to guys at the aft end of the yacht but where you work the boat it's up in the centre part of the yacht and it's totally exposed. So I was extremely concerned about the safety of our crew on that exposed part of the deck, the fact we had no motor and the fact that we were down to our smallest sail. At this time the storm was at its height. Again as I mentioned in my original interview we, the wind instruments had packed up but 70, 70 or 80 knots was I think probably a realistic figure at that time. I yelled, What do you want me to do? to Richard. He yelled at me, What do you think? I yelled back, It's your call. As to me at that time it was an issue of

the safety of the whole crew and the yacht to be gybing, reaching and running in those conditions and the safety decisions have to be made by the skipper. To allow the storm jib to flap at that wind strength would have shredded it so I didn't think heaving to was an option. Without an engine we were of no practical help to Sword apart from reassurance. Location should not have been a problem as they had an E.P.I.R.B. Richard then yelled, Let me think about this. He did for a couple of minutes, then said No, there's nothing more we can do for them, continue on this course, this is my decision and I take full responsibility for it, or words to that effect. He then yelled out to Col, the navigator, to report the sighting of a distress flare and a dismasted yacht and to give the position and to say we're unable to render assistance. I had mixed feelings and was thinking about it. About 10 minutes later we were hit by a set of three very big breaking waves that broke over the boat. At that point I said, I agree with your decision. We were sailing a course to best survive the conditions and it was way below our run line course. When I went below at the end of my trick, Col was at the nav table and I asked him if he had got through. He said he had, but it's taken him half an hour because of continuous talk with other yachts being rescued. I never thought of the VHF. I had, I had, I was on the helms and I had my hands full. Col had been on the radio at the time this

happened and it just, to me, I just was thinking he's on the radio, if there's anything to be heard he'll hear it. Had they, had we known that they had a man overboard there is no question we would have turned back. We couldn't hear each other in the cockpit of our yacht, let alone try to hear somebody on another yacht just by shouting. Had Richard made the decision to go back I would have done so.

Q17 O.K. Just in relation to a couple of things that you said there, you said you had mixed feelings. Can you broaden, expand on that?

A Yeah. Well, you know, I've been, I was one, as I mentioned originally I was involved in another rescue of a man overboard once before and I just know sort of the emotion that's involved in that and I can understand how the people on Sword would have felt to see somebody sail by knowing that they'd lost a guy over the side and thinking that these blokes could go and look for him. That, I, of course at the time I didn't know that there was anybody over off their boat, but just the idea of continuing on was something that didn't sit, well, it may, I wasn't happy.

Q18 Mmm.

A I wasn't going to say, Yeah, what a great idea, let's just keep going, like.

Q19 Mmm.

A You know.

Q20 O.K. O.K.

A Having been involved in that other, that other rescue.

Q21 At any stage during that period did you hear the radio?

A No. I couldn't hear the radio, that was, that was, that's inside the boat. I couldn't, as I say, we couldn't hear each other - - -

Q22 Yeah.

A - - - easily in the cockpit and we're sort of 2 to 3 feet away from each other.

Q23 O.K. And how long had you been helming that day?

A At that time?

Q24 Yeah. At that time how long had you been on the helm for?

A I can't remember, I, that's something that, I must admit that's one thing that I'm, I'm not completely sure about. I can't just place the timing 'cause I was pretty tired - - -

Q25 Yeah.

A - - - by that stage but I, I think I must have been, must have been helming, well, sort of it could have been anywhere from half an hour to an hour and a half - - -

Q26 Right.

A - - - at the time that I saw it, I'm not quite sure - - -

Q27 O.K.

A - - - 'cause we were, I think I was, I was tending to steer a bit longer than Richard because he wasn't, I don't think he was too flash.

Q28 Mmm. Now when you finished helming you went downstairs?

A I went below, yeah.

Q29 O.K. What was the radio like then so far as traffic

A I think it was switched off at that stage.

Q30 Right. O.K.

A Now you said at the conclusion there that had you've realised that, that there was a man overboard you would have turned around and assisted as best you could. Have you discussed that option since the race or was it something you discussed?

A No. Well, it's obviously what, well, obviously you've discussed it since the race I suppose just in general, but not as - - -

Q31 Yeah.

A - - - a specific thing. I mean I, we, it sort of at the time, it's something you, it's just something you would do.

Q32 Yeah.

A It's not, you don't sort of think about it, if there's a bloke in the water you'd go back and get him, I mean that's what happened before, that's what you'd do again - - -

Q33 Yeah.

A - - - if you knew there was somebody in the water. That's why, you know, not knowing and obviously there's no question in my mind, in fact I would, there's no

bloody way that I would have gone on if I'd known there was a guy off that boat.

Q34 Mmm.

A And that's, that's just a fact.

Q35 Yeah.

A I mean, and I'm sure, I'm sure that would never be a question on the boat, I mean - - -

Q36 Mmm.

A - - - if you know there's somebody in the water you go back and get 'em in those sort of conditions or any bloody conditions actually.

Q37 Mmm. So how long do you reckon the incident took, basically from the time Richard brought it to your attention to the time you sort of went past and lost sight of the, the Sword?

A Well, we like, actually losing sight of the Sword, the Sword was in, from what I can make out the Sword was in, in sight for about 3 seconds.

Q38 Right.

A He just saw that flare.

Q39 Yeah.

A I don't know how far away they were, they might, apparently, you know, I've heard they were very close to us and they could see us because they would have been looking downwind at us.

Q40 Yeah.

A But looking upwind you couldn't see a thing.

Q41 No.

A And Richard just sort of literally, I think it was a couple of seconds, just the last part of the flare, he just got that last bit of the flare and then in the, in the time it took for him to say, How long, you know, I've seen a flare, and for me to say, Where? And him to point, couldn't see 'em.

Q42 Mmm.

A It was just, you know, they must have been just on the limit of our visibility.

Q43 Mmm.

A Because I couldn't see 'em, Dave Wiggins couldn't see 'em so - - -

Q44 Mmm.

A - - - but the whole incident, what, from the time he said continue?

Q45 Yeah.

A It'd be, at the max it would be 10 minutes but sort of, I don't know, sort of around, around that time. I mean it wasn't just a snap decision.

Q46 Mmm.

A It could have been 5 minutes, it could have been 10 minutes, but it wasn't just an instant decision.

Q47 Mmm. Dave?

SENIOR CONSTABLE UPSTON

Q48 Was Dave Wiggins the, the assigned radio operator?

A No, Col Detz was. Dave Wiggins was our third crewman sitting up on deck, there was me helming and Richard's the other helmsman on our watch and Dave was, we did

have another crewman but Dave was just sitting up there just, you know, to tighten ropes, but they were both hiding under the, under the, under the dog house, you know, getting a bit of protection. Col was, Col alone I think was the radio operator on that boat, but I don't know whether anybody else used it at all.

Q49 Right.

A He was the navigator so - - -

Q50 And for that particular instance Col was, made the call?

A Yeah. Col was on the radio, yeah.

Q51 O.K.

DETECTIVE SENIOR CONSTABLE GRAY

Q52 Anything else you'd like to say, Bill?

A Well, you know, it's one of those things.

Q53 I mean, please - - -

A Yeah.

Q53 - - - you know, if there's - - -

A Yeah.

Q53 - - - if there's something else - - -

A Yeah. Well, it's just one of those things, I mean it's, at the time it was sort of turmoil for me.

Q54 Mmm.

A And it still is, you know, it's just one of those things that happen and, you know, there's nothing you can do about it.

Q55 What - - -

A I do think that, I do think overall, I'm sad that we didn't stop.

Q56 Mmm.

A Particularly under the circumstances which we discovered when we got to Hobart and read the newspapers.

Q57 Mmm.

A But I tell you what, I reckon there could well have been injuries on our yacht or worse if we had stayed in that area. That was, that was when the storm was at an absolute max.

Q58 Mmm.

A And it was, it was, you know, at that time it was really dangerous conditions.

Q59 Mmm.

A The fact that those waves clobbered us, later when I went below and I was in my bunk and we got hit by one wave that, I got right up on a meele cloth and I nearly rolled out. So the boat must have almost gone on its side and that was after I'd got off watch and I was lying in me bunk.

Q60 Mmm.

A So, you know, to be sort of reaching in those, that was taking the boat, that was taking the waves on the bow not, well, as close as we could, not just reaching where you'd be taking 'em on the beam which would be very dangerous.

Q61 Mmm.

A Apart from that there's not much else to say I don't think.

SENIOR CONSTABLE UPSTON

Q62 Bill, can you just recall that your engine was incapacitated?

A Yeah.

Q63 What, what was the reason for that?

A We got water up the exhaust pipe. Apparently it happened - - -

Q64 So the cause was back flooding?

A Back flooding, it hadn't happened before to the boat in the time that, certainly in the time Richard had had it and he'd been out in some fairly, fairly lively seas.

DETECTIVE SENIOR CONSTABLE GRAY

Q65 Mmm. When did you know the engine was rendered useless?

A Before we came on watch because Richard and, actually it was sort of at the end of our previous, previous watch. We'd come down below and I think Richard had said, let's, we'd better charge the batteries, and the thing wouldn't start and we'd run it early, we'd run it in the morning and it wouldn't start and Lars and, Lars Rinoult and Richard sort of went through the procedure of taking everything to bits and getting down to the donk trying to get it to go but it just wouldn't move. It was, it looked, it sounded to me as though it had the hydraulic cylinders and that in fact is what it ended up with.

Q66 Mmm.

A So there was nothing we could do with it.

SENIOR CONSTABLE UPSTON

Q67 O.K. And you mentioned earlier about an incident where you were involved in another man overboard situation some time before.

A Yeah.

Q68 Can you just - - -

A In 1980 I think it was '79, '80.

Q69 What was the situation with that?

A Well, that was on a Natel II and I was racing up to, we were doing a Bird Island race, Friday night race, and I think it must have been about midnight, 30 knots plus from the south, wind against set so very steep, choppy seas. I was helming the boat, I was watch captain, the crew, you know, the off watch was below obviously and I saw in, in shore I saw a red flare go up and I, you know, it sort of caught my attention and then immediately another one went up so I started yodelling and stamping and swearing at the guys to get up because obviously somebody was in strife. And we finally got the off watch up with a bit of difficulty because they were sound asleep and I, because we needed to get 'em up, we had a pole out, I think it was a pole out number 2 because this, this boat wouldn't run with a spinnaker. We had a pole out number 2 and we had to get the pole off the number 2 so we could gybe across, which we did straight away. I sailed, I'd taken a

bearing on the flares, I sailed to that, to that bearing. When we got there we were still sailing, I suppose we would, we would have been a mile and a half, 1 and a half, couple of miles away, took us 10, 12 minutes to get there. We were still under sail, I think we just had the main up at this stage as were approaching the area because we could see other boats moving around and we heard, oh, we'd heard, we'd heard, Rolf, our sailing master, had told, asked Basil Deedo, the navigator, to get on the radio and find out what was going on and they called on the radio that they were man overboard. And I went, I helmed it in to the position that I, that we'd taken a bearing on and we were under sail and the boats were milling around and certainly the boat Phoenix that had lost the guy off, overboard was under motor and as a result they couldn't hear him, but we could hear him yelling out in the water as we sailed in just with the main up. And we called them to say come over, he's over here. They then discovered they couldn't pick him up and called on us to get him. Well, by this time we'd dropped our main anyway 'cause we knew where he was and we were, we had the motor going. And we picked him up on the first pass and I grabbed him, a couple of guys sittin' on me legs.

Q70 Right. O.K. Bill, is there any truth in an incident which occurred at Hobart when you guys docked at Hobart, that Richard got off the boat and said, Oh,

this was an easy race, a piece of piss, so to speak, the waves, you know, it wasn't that bad at all. Do you recall an incident like that happening?

A Yeah. I think he did say that.

Q71 O.K. That's - - -

A Words to that effect.

Q72 Words to that effect.

A I thought was a little bit of bravado.

DETECTIVE SENIOR CONSTABLE GRAY

Q73 Were you, were you present when there was an altercation or a near altercation that occurred between a number of crew from the two vessels?

A No, I wasn't. I did hear about it but I wasn't, afterwards, but I wasn't there which I was pleased about.

Q74 O.K. There's nothing further.

A All right.

Q75 The time by my watch is 1.10pm. This interview is concluded.

INTERVIEW CONCLUDED