

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Andrew Murray at the Eden Police Station on Wednesday, the 30th of December, 1998. Time by my watch is now 8.30pm. Do you agree with that time, Mr Murray?

A It is 8.30pm.

Q2 Also present and seated to my left is Detective Senior Constable Neil Grey. For the purpose of the interview, Mr Murray, could you just please state your full name?

A My name is Andrew Paul Murray.

Q3 And your date of birth?

A August the 30th, 1954.

Q4 And your current address?

A 28 Albion Street, Launceston in Tasmania.

Q5 Are you currently employed?

A No.

Q6 O.K. As I spoke to you before in your hand you had a preamble form with some typing on it, I wonder if you could just read that paragraph onto the tape, please?

A Certainly. "This statement made by me accurately sets out the evidence which I will be prepared if necessary to give in a court of law as a witness. This 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 willingly stated anything which I know to be false or do not believe to be true. I am 44 years of age."

Q7 O.K. Now, as I've already explained to you, Detective Grey and myself are making inquiries in relation to some incidents which occurred in the Sydney to Hobart Yacht Race, particularly the time around the 27th of December, 1998, and the early hours of the 28/12/1998. As I told you before our conversation's going to be recorded on three audio tapes. Do you recall that?

A I do.

Q8 O.K. If I could just start by getting some background in relation to your sailing experience, please?

A O.K. I am, I am a USL Master Class 4 Mariner, which entitles me to run vessels or act in the capacity of master of a vessel 80 metres in length, there are, that's, that's with some restrictions to distance off the coast, smaller sized vessels to 35 metres on a much more ranging or over greater distances off shore. I've been sailing yachts and grew up in Tasmania, I've been sailing from small boats to large maxi races, racing yachts 88 feet in length being the largest all over Australia and in other countries throughout the world. I learned to sail in Bass Strait when I was 12 years old. The events and what I would like to discuss this evening my, the events and things that happened, things that transpired between the, wait a sec, can I inject and ask a few, what, what date did the, what was the actual - - -

Q9 O.K. Between the 27th and the 28th, Sunday, Monday.

A Sunday, Monday, O.K. I just didn't have the dates

clear in my mind, 27/28. O.K. On the 27th I returned into the port of Eden after giving some consideration to crossing Bass Strait in my own yacht which was a 50 foot ketch rig round world cruising yacht, Joe Adams in design, notable Australian designer, I turned back to Eden to seek shelter because I had received weather information that they were recording weather Victor Indian Melbourne radio had recorded weather at Wilsons Promontory or given out weather that had come through Wilsons Promontory earlier that day at an excess of 75 knots. I returned to Eden because I did not consider or deem it at all safe to enter Bass Strait. I didn't believe it was safe, even in a well found world cruising boat. The, the events as they unfolded, I tied up in Eden at 1200 hours midday and it started because I have an interest in the, in ocean racing, I've been ocean racing myself both professionally and on an amateur basis way back in the early 80's, late 70's in fact, recorded I suppose which would give some credence to my capability is that I mastered, I skippered my own vessel in 1985 and won the Melbourne to Hobart Yacht Race in somewhat similar conditions to these encountered, but on the west coast of Tasmania. I found a problem when at 17.50 hours I heard, I was monitoring on my own yacht on HF radio frequency 4483 which was the radio frequency the yachts in the Sydney Hobart were using for general scheduled purposes, I heard a Mayday call from a yacht by the name of, that

went under the name of Business Post Naiad, knowing the crewing on Naiad, in fact two of those crew members had been part of my crew in 1985 when we won the 1985 Melbourne to Hobart, knowing their capabilities I realised that there was and knowing the capability of two other members of the crew, so I knew very personally and had sailed with them together with four of the crew including Bruce Guy, the skipper, who subsequently lost his life, that they were in a lot of trouble. Mayday in professional terms, the call Mayday means there is immediate threat to life at sea, the two downgrades from that are Pan Pan and Securite, they activated it and they transmitted a Mayday, which meant they believed by the skipper, a very experience yachtsman and someone I respect greatly, authorised, therefore I knew that they were in the threat of losing their lives. The stress call Mayday was picked up at 17.50 hours by the radio relay ship, Young Endeavour, which travelled under the call sign, if you like, or called it, identified itself as Telstra control.

Q10 Thanks.

A I just wanted to check the coordinates on this but I believe it's right. The coordinates for the Mayday of Business Post at 17.50 hours was 38 degrees 05 minutes south, 150 degrees 32 minutes east. They described their situation as they had rolled over, they had suffered major, I stress major, hull damage and they were steering now under motor, they had lost their

mast, I should say, they'd lost their mast and they were steering a course of 174 degrees magnetic, as I have plotted here on the chart in front of me. A short time after that, as you can imagine, knowing personally and these people, some of them being 25 year old friends, one being my brother-in-law, on board, his name being Tony Guy and a close friend of mine for over 15 years, I was obviously somewhat taken by the situation and extremely concerned. Telstra control, by the radio relay ship, or on the radio relay ship, Young Endeavour, answered back Mayday and a few moments later questioned whether they still considered they were in a Mayday situation and I consider on the part of Telstra control or the radio operator they did the right thing by confirming that it was a Mayday. They checked it again only a few minutes later again, three times, and three times it was confirmed that, yes, it was a Mayday. I would stress that it is my belief that Naiad, Business Post Naiad, made it known quite clearly by way of using the term Mayday, Mayday, Mayday, this is Business Post Naiad, and giving its position and describing its situation, three times they confirmed that they believed there was threat to life at sea. The next communication as best I can recall because there were a number of situations happening at the time I assumed in my situation back here I could really only sit and wait and listen and leave it to the experts, the people that were on the water and in the immediate

area, the weather was very severe, earlier that day, only within an hour or so of that we had recorded information of 78 knots at Gabo Island, Gabo Island was 42 nautical miles north north west of the given position of Naiad Business Post, Naiad, Business Post Naiad was in the position, as I said, as described by latitude longitude but it put its position as 42 miles south south east of Gabo. Over the next hour they, Telstra control was handling a number of events, including, or incidents, and obviously major problems, they had a man overboard at 18.30 hours on Tangarra I believe it's called, he was subsequently retrieved within just over half an hour by helicopters rescue team. Over the next few hours I heard nothing else from, at 19.00 hours, another position was given by Naiad and they asked for some crew members to be evacuated, a position was given, however, at 19.00 hours and they were then approximate position 37.58 south 15031 degrees east, they again gave a, they were steering a course at that time, they'd come round and they were steering a true course, a magnetic course, we'll deal with magnetic and their magnetic course was approximately 300 degrees. They hadn't turned and I omitted to give this advice, they, they turned around shortly after 17.50 hours and proceeded in a similar direction of around 29 295 to 300 degrees. Their course made good, however, over that time and I think it's interesting to note their course made good over

that time was approximately 355 to 360 degrees, when they were trying to steer around about 300, 310. The next hour from 19.00 to 20.00 they covered a distance of just on 3.75 nautical miles, once again to the north and they're basically directly to the north, their latitude being 37 degrees, 56 and a half or thereabouts and a similar longitude 150 degrees 31 minutes east. The, their course made good again was to the north although they were intending to or trying to steer around about the 300 degree mark they were actually making more like 3, more like north to 355 degrees. Their last given position, still trying to make for the east coast of Australia, put them further to sea only by a short distance and put them to latitude approximately 37 degrees, 53 minutes south and their longitude remaining the same, 150 degrees 31 minutes east. It would seem very clear to me that anybody monitoring them in a Mayday situation as they reported at the hour 20.30 that they were low on fuel, they were requesting crew members be evacuated from the vessel, that was questioned, and the outcome of the question was that they were told they were not going to be able to be helped at the moment, they were put on hold. The entire time, of course, they might have only have the position of the radio relay vessel at my disposal but each time the radio relay vessel made an attempt for another boat to try and aid them in some way. This would seem fairly ridiculous to me because one vessel

they talked to was Midnight Express, it's latitude, longitude was slightly to the north east straight into the direction, of course, of the wind that was apparent at that time and 8.2 miles away, he may as well have been a thousand miles away, Naiad could not, did not have adequate radio communication as they'd lost that and they were running on a antennae that they'd found extremely hard and the television footage that's followed and I've seen much of it now, shows that would've been almost or extremely hard to rig a antennae but somehow they managed to do so but it would only work for a short distance, they were, the last communication I heard from Naiad, Business Post Naiad was via relay from a vessel known as Midnight Special and as I say Naiad at that time reported to be low on fuel. Telstra control, as I understand it, were mindful of the situation, however, I find it amazing that they did not try and make contact with Naiad, Business Post Naiad, it's true name is Naiad, it sails for a sponsorship, it sails for sponsorship reasons under the banner of Business Post Naiad. The Young Endeavour made no further contact with the vessel Business Post Naiad or try, attempted to make no further contact, I stress no further contact until prompted to do so via the coastal patrol or coastal patrol Eden, this initially being initiated this calling being initiated by my personal contact with the police department at Eden stressing that I

considered this set of circumstances to be highly unusual and could not understand why the radio relay ship Young Endeavour, operated as I understand it by the Royal Australian Navy, or commanded by the Royal Australian Navy, with other speciality people from Telstra and so forth on board acting as radio communicators, were doing nothing to aid Naiad, even though they'd given their position as being in the area, they concentrated their efforts solely on a vessel called, known as Team Jaguar, Team Jaguar's position was slightly to the north by a distance of some seven to eight miles at their last given position of Naiad, some seven to eight miles north, they really still paid no, I find this remarkable because the Young Endeavour was in the area but didn't try to in any way make any attempt, as I saw it, via communication, and that will be explained a little later, with Naiad. They concentrated their efforts solely, I stress solely, with over, what I believe to be in excess of 100 radio communications with Team Jaguar for a period that ranged from early in the afternoon, by early I say something like 5.30, 6 o'clock in the afternoon, but official records will show when that really started, they seemed very, I would say the radio operator seemed very familiar with the crew on or with the radio operator on Team Jaguar, and occupied the main frequency set aside for the race, or delegated as the race, designated to be the race frequency, for the

hours 3.00 till the dawn the next morning. At one time, I'm probably jumping around a little bit here, but at one time, on this schedule, the radio schedule being the communication schedule between the radio relay ship and the yachts, albeit racing or in, gone to shelter or whatever, or in crisis situations, where they allowed, not only did they allow, but they invited Team Jaguar, who was being pursued to be towed, they had asked for a commercial tow, it's very important that I point out at this time, it is my, to the best of my knowledge and it is my understand that Team Jaguar not once issued a Mayday, a Pan, being in immediate distress, or a low, low priority distress or low priority urgency being Securite, they'd issued none of these, they'd purely asked to have a commercial tow organised. In other words they deemed there was no threat to life at sea, what they said was they were uncomfortable, they wanted to out, they wanted to come home, they recognised, they were immobilised certainly, they had no power, no motive, no motive power because they had wrapped some rugs around the propeller in the time that they lost their mast, so obviously no sail power, no motive power, but also no immediate threat to life at sea, in fact they deemed their situation, not to require a distress call at all, but, however, the Young Endeavour in it's, or the radio operator on Telstra control, deemed it necessary to keep continual contact with Team

Jaguar throughout the night and only when prompted at approximately 2 o'clock in the morning, 02.00 on the following morning, being the morning of the 28th, the morning of the 28th, did they try to call again with no response, they were prompted by coast patrol Eden, which in turn the police in Eden had, had requested and wanted to know what was going on. I suppose because I'd called, I'd then contacted them, however, aside from that, the situation with Team Jaguar continued to the very early hours of the morning, in fact, right up till daybreak, during the 3.00am sked, which commenced at 03.00 on the 28th and ran until approximately 04.30 or thereabouts, a period of over one and a half hours, they tried to call Naiad twice in that time. What astounded me was that they did not even ask if anybody else in the fleet had communication with Naiad, had heard Naiad, I was just absolutely staggered. When talking to other vessels that the radio operator knew, he called them by first names basis, chatted, at one stage was making jokes about sandwiches, said that he had that many problems his ink was nearly running out of his pen and made constant jokes in relation to situations, I don't think too many people found it very funny. His lack of professionalism to me is undoubtedly questionable. He tried to communicate and had flares, he had, it was just a nightmare of coordination, considering we had seven, as I understand, active EPIRBs on the immediate area,

crewmen in the water, yachts that had been, that had sent Mayday calls and had not been responded to, the crew on Naiad, which I know and as is now a part of history, two are deceased, the crew on Naiad have said to me personally since, and it is not motivated by them that I do this, I intended to do to make my thoughts known, because I was just so disgusted well before Naiad, well, I met again, was re-united with the crew of Naiad, of Business Post Naiad. Both expressed to me that they were, they felt lost, they felt abandoned and they felt that nobody cared. Young Endeavour came into the area and, of the vessel, this in turn astounds me as well, they sent a vessel called, Moira Elizabeth, to the aid of Team Jaguar. Young Endeavour, known as Telstra control, at one stage was so close into the rescue area that Moira Elizabeth was chasing Young Endeavour thinking she was the vessel in distress. So, in other words we had two commercial vessels aiding a vessel that had given no, as I understand it, it is my understanding, no distress call at all in favour of yachts that were only a matter of miles away that had officially and in turn re-qualified the fact that they were in a Mayday situation. As a commercial master I'm absolutely amazed that this happened, but, I'm sure there may be some explanation, for what that could be I'm not really sure, I've heard rumours and therefore I cannot, can I speculate or can I say what the, no, there's no point in that. The rumours indicate that

there were, the vessel was owned by someone or is owned, which is quite easily clarified, by someone who is a committee member of the Cruising Yacht Club of Australia, had personal friends possibly relatives aboard and I understand that there were two people affiliated, employed, or whatever, and I stress I do not know and this is only secondary to me, it is information that has been passed to me, albeit by, what I deem to be somewhat reliable sources, it is not something I know to be fact, but it is definitely something that should be investigated. There were people on board that were also either employed or closely affiliated with Telstra. I cannot understand, I cannot stress strongly enough that in all my professional career I've never seen anything, when a vessels have issued Mayday calls and in turn had those Mayday calls verified on more than one occasion that commercial vessels and commercial masters would aid vessels that were having a few problems so to speak where they had deemed they had no immediate threat to life at sea. End of story.

Q11 You mentioned earlier that you knew the crew of the Naiad. Can you tell me the members that you knew?

A The four members of the crew that I know personally and have known personally for a number of years are the, what would have been the second in command and what I later learned to be the second command, Steve Walker, he's a sailmaker from Wynyard in Tasmania, very

experienced yachtsman, owns his own boat and is highly respected as, I would say, about a 15, 20 year veteran sailing in Bass Strait and long distance ocean racing. I've great respect for Steve and his ability, I've not sailed very much with him personally, but he's second to the other three crew members that I know, the skipper Bruce Guy, once again I've sailed against Bruce and I sailed against Bruce for a lot of years as in raced against him and all I can say is he always appeared to conduct himself in a very, very professional manner, I've seen him master some extremely heavy weather in Bass Strait in this boat that he's, that's now involved in this incident and I have great respect for him both as a sailor and a business person and his credentials in turn highlight that. The other two crew members, Robert Matthews and Tony Guy, I have sailed with for, they were part of my crew, my own crew on the 1985 Melbourne to Hobart Yacht Race, I've sailed with them on many crossings, on many, many racing yachts, the new, the old Newcastle Flyer, just countless racing yachts through the years, both in long distance racing, only a few, only three years ago, Robert Matthews, Tony Guy and myself acted as a sailing crew in the Australian Race with two runners and then the Easter Race, the series that runs from Tasmania, Launceston, Tasmania, or Beauty Point, Tasmania, I should say, to the mouth of Tamar River via Flinders Island, then onto the east coast down to Coles

Bay and then onto Hobart, we encountered in that race some 60 to 70 knot winds, these are very, very competent sailors, they're veteran sailors and they both own their own yachts and they're people that I deem to be extremely highly skilled and extremely responsible.

Q12 O.K. You say that you heard a message so far as weather was concerned with winds indicated up to 70 to 80 knots.

A That's correct, that was the early morning the day of the disaster.

Q13 O.K. Now, was that information available to all boats in the race?

A For sure, it came through on, it came through, I believe on channel three but certainly came through VHF radio, channel 67, which is the secondary distress frequency on VHF marine band via Sydney radio, via Melbourne radio for the Bass Strait forecast, I, I, in my, I do not completely and totally recollect but the record will show whether or not it came through as weather information from Telstra control, but if it didn't that's just ridiculous also, because they have access to, they've got one of the best communications set ups in the country on that boat. They would be, they would have been privy to all this information, if I heard it they surely should have.

Q14 O.K. In relation to the Mayday call which was made by

Naiad - - -

A

Q14 - - - at approximately 7.50 hours - - -

A Yep.

Q15 Are you able to tell me on your, on your map there approximately how far they were from land?

A 42 nautical miles south south east of Gabo, the coordinates that I gave you.

Q16 O.K. Now, in relation to the conversations between, between Team Jaguar and Telstra control, in relation to the problems with their crew, are you able to tell me did you hear what those problems were, specifically in relation to their crew?

A I'm sorry you'll have to question them.

Q17 I think you said earlier that there was discussion between Team Jaguar and Telstra control. Was anything said from Team Jaguar to Telstra control in relation to the crew and injuries or -?

A No, no, no.

Q18 Nothing that you heard?

A Nothing that I heard.

Q19 O.K. Now - - -

A I'll stress again they made no distress call at all.

Q20 Right.

A They asked for help for a tow and they asked for a commercial tow - - -

Q21 Right.

A - - - to be, to be set up for them but they certainly

deem their position as distress.

Q22 O.K.

A As we know the three distress calls.

Q23 Right. Now - - -

A

Q24 Now, can you give me the sort of the, the amount of time that you were monitoring your radio from approximately?

A I monitored my HF radio channel 4483, the race frequency from, I'd been monitoring it since the vessel left Sydney from the first schedule that they gave, I was I was tracking them against other Tasmania yachts I, I had one position on Naiad, Business Post Naiad, when she was still was just below the 35th parallel which is 160 miles north and that position was 3501151.01, I had her again at, I had a number, was when she gave her position, but once again that will be part of the official record.

Q25 O.K. Now, are you able to tell me the strength of the messages or the, or the radio transmissions which came from Telstra control or the Young Endeavour?

A I was sitting in the Port of Eden and I heard every radio communication that Young Endeavour, Telstra control made, I believe very clearly, the radio operator's name was Lou, I believe, they kept calling him Lou or his buddies did on other yachts. So I monitored, I'd been listening to them on and off but I particularly monitored knowing the bad weather was

coming from 12.00 hours the day of the disaster right through until I did not leave my set, or leave my set unmanned other than, other than my partner, she monitored the set for a short time when I came myself to the Eden Police Station in the early hours of the following morning, I'm sorry, later that evening, when I started to have some real concerns and that was something like 10.30, I believe or thereabouts.

Q26 O.K. The strength of the messages which came from Team Jaguar, are you able to describe them for me?

A I could clearly hear Team Jaguar, not quite as strongly as Young Endeavour but you wouldn't think that you would, Young Endeavour as I've said has very strong communications gear but I could certainly hear all communications from Team Jaguar.

Q27 O.K. In relation to the Mayday which was made by Naiad at 17.50.

A Yep.

Q28 What was the strength of that transmission?

A With the Mayday I heard from Naiad was relayed by a vessel called Yendys acted as radio relay for Naiad, Naiad being in the situation where she had very weak communications.

Q29 O.K. And you, did you plot a position of Yendys at the time of that

A I know she was, she gave her position as within only a few miles but I do not have the actual latitude longitude but once again that would be a part, a part

of official documentation both that Eden control, Eden, coast patrol Eden and on Young Endeavour.

Q30 Right. O.K. Now, we've since become aware that the Naiad rolled on two occasions, inverted for some 30 seconds on the first occasion.

A As I understand it.

Q31 And then righted itself.

A Yep.

Q32 And then subsequent to that it rolled again for some time and stayed inverted, we've been informed for some four to five minutes.

A That's what I understand, that's what I've been told.

Q33 O.K. Now, from your experience and knowledge of that boat and yachting generally, I believe the mast was broken on the first roll and the sail was down, are you able to give me some, some indication as to why, possibly why that boat didn't correct itself or right itself rather quickly than it did.

A On the second roll.

Q34 On the second roll, yeah.

A The vessel had a lot of, a large amount of water in it, what we're dealing here with, here is something known as metacentric height. I can't, I can understand how it happened, I believe fully that it did happen in the way that I've been informed that it did and we've all been informed I believe it took five minutes to come back over. It is highly likely that that would be the case, the reason being that she had a lot of water

which would act as ballast inside, and even the way the crew members that were inside standing on the floor would add to the ballast and lower the metacentric height of the vessel. I must admit I find it to be unusual but I don't find it that it took so long to come back over but if we recall Tony Bullimore's boat, a modern racing boat as well, down below Australia, many of those boats remained inverted for long periods of time.

Q35 Right. O.K.

A I don't, I'm not a naval architect so I don't - - -

Q36 That's fine.

A But I believe fully that, yeah, sorry.

Q37 O.K.

A I'd also just like to add at this point in time, at the end of 03.00 sked on the morning of the 28th, I believe I'm correct on this, the dates I'm just away from here. I went through the sked and to the best of my, and as they called every vessel, I found it staggering that, I think it's worthwhile stressing this point, I found it staggering, the break up was they had no reports initially, after the first run through of all names, I understand the no reports to be 41, I could be off by two or three, but I understand, I was very tired after so many hours, but, and just jotting down and trying to record as you can see here, I had no reports at 41, I had reports of 65, and 21 retired, we later worked out there were about 50 in Eden and around

about 20 of these yachts came up, they were accounted for by Eden, Eden Coastal Patrol and so forth, they, at the time they were evacuating three yachts, they acknowledged that they had seven active EPIRBs, ACC Australia had said that they had seven EPIRBs active at 83.00, they said they were really worried about five people, they had one yacht that was, gave its position as over 110 miles east of Australia, as I understand it, it was out past the, it was out past 151, 152 degrees east, which is to me just unbelievable and the radio, and the, and the comment I clearly remember made by the radio operator on Young Endeavour, Telstra control, was, "What, are you going via New Zealand, mate", and I, I think, I won't say it but I think it was somebody he knew. The radio operator when he knew somebody he would laugh and joke and talk about sandwiches and, and the other people would talk about food with the Navy and so forth, all this happening while we had, we had three, as I know it, existing Maydays, the Sword of Orion and so on, the other one was anyway, they had five yachts they were really worried about, this - - -

Q38 If I can just stop you for one moment the tape's just about, we'll just suspend the interview, the time at the moment is 11 past 9.00. This interview is suspended whilst we change the tapes.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

DETECTIVE SENIOR CONSTABLE GRAY

Q39 We'll just The time is now 9.22pm. Do you agree with that time?

A 9.22, I concur.

Q40 This interview between Detective Senior Constable Gray and Mr Drew Murray is continued. I believe we were discussing - - -

A Mr Andrew Murray.

Q41 Sorry, Mr Andrew Murray, we were discussing information relating to the skeds, skeds, schedules.

A Schedules. I think we've pretty much covered all of that.

Q42 Yeah, O.K.

A And as we said there were 7 EPIRB's that were active at the time in the area and so forth but the Young Endeavour was, was still attending an area and concentrating on the Team Jaguar, pick up.

Q43 Now, from your recollection of that night and early morning, how many Maydays did you hear? From your recollection.

A My recollection, I understand three, one of those, there were two men overboard that I heard and there were also various pieces of equipment that had been lost off ships and they in turn, the racing yachts, and they in turn are bound to report when they lose pieces of equipment, i.e. life jackets, life rings and so forth. Yes, so to answer your question I believe there were three Maydays that I heard, there were a number of

other rollovers being the yacht completely flattened, upside down or and masts gone and so forth.

Q44 O.K. Now when you, when you, the next morning, the 28th, there were yachts coming in to Eden, sort of all through the night, the 27th/28th is that right?

A That's correct.

Q45 Did you have the opportunity the next day that would be the 28th and 29th, did you have the opportunity to speak to any skippers or crews from those boats apart from Naiad?

A Yes, I did.

Q46 And where weather conditions reported to you so far as that night and morning?

A Yeah, everybody concurred that, everybody I spoke to and there would have been, there would have been three or four other skippers, I had five yachts tied abreast of my own yacht which is at the present in the Port of Eden, tied alongside the wharf. Yeah, they all expressed that they had encountered huge weather and the sort of conditions that I certainly understood, knew and understood what they had encountered.

Q47 O.K.

A I'd actually travelled that day myself from the Dangerbee Creek, I believe that's correct, it's about nine miles from the south east of Eden and I'd left there around 10.00 hours arriving in, in Eden at 12.00 hours, it may have been 09.30 I got under way, prior to that for two days I'd been, Christmas Day being the

25th, Christmas Eve being the 24th I'd spent at Disaster Bay at anchor, just myself and my companion Mary aboard.

Q48 O.K. Now did you see the next day, around the 28th, did you see Team Jaguar being towed to Eden?

A No, I did not.

Q49 O.K. Are you aware if they were towed to Eden?

A I am aware that they were towed to Eden, I've since seen them, they're tied on the wharf at the present time in Eden.

Q50 O.K. Are they still there now?

A They were this afternoon.

Q51 O.K. Are you aware of the size of the boat of Team Jaguar?

A Team Jaguar as I understand it, she's a maxi or a pocket maxi, I believe she'd be 70, 70 to 75 feet. She's equivalent to the sort of vessels I have sailed professionally as, but now act as commercial vessels in Northern Australia and I've acted as master in the capacity of master on those vessels.

Q52 O.K. Now so far as the Telstra command vessel was concerned what, from your experience, or from knowledge that you've had what would be the rating of the skipper on board the Young Endeavour?

A I understand the the master on Young Endeavour was a naval commander he would be equivalent to a what is known as a Master Class 1, foreign going.

Q53 O.K. Now his responsibility to that ship would be in

the, on the helm and that sort of thing on a sort of, the main driving section of the ship.

A Sure, on the bridge.

Q54 On the bridge, that's it. That's the word I was looking for.

A Stupid language isn't it.

Q55 O.K.

A Yes, he would have been, his position as master as I say, I only assume he would be equivalent to a Master Class 1 but he would be as we know it, I would be a Lieutenant Commander, an equivalent ranking would, would captain a, would act as a captain, I believe, certainly on a, on a frigate, he would be at least, he would be at least of a ranking of a patrol boat skipper as we see in the Royal Australian Navy but I believe he would be a Lieutenant Commander at least which is equivalent as I understand it to a Master Class 1, but these are only my understandings.

Q56 That's fine.

A I do not know these to be facts myself.

Q57 O.K.

A He would have with him at least I would believe at least two other bridge officers, they would be of similar or slightly less qualification, at least one would be of similar qualification to himself.

Q58 Right.

A Both in experience and in actual academic qualifications.

Q59 O.K. Now, are you aware of where the, the communication centre is on board the Team Endeavour.

A The Young Endeavour.

Q60 Sorry, Young Endeavour.

A No, I'm not.

Q61 O.K. Is it the case, or are you are aware if it's in the same area as the bridge?

A I'm not aware of where it would be but I would be amazed if it was not within close call, close proximity to the bridge. The master of the vessel of Young Endeavour, being a commercial master of lesser qualification myself, of course is the overall, has the overall responsibility for the safety of all personnel and the ship, all personnel being all officers and crew and passengers aboard the vessel at the given time or any given time while the vessels at sea.

Q62 O.K. Now, if messages were received in the control room from your experience would it always be the case that messages would be sent to him or in some cases dealt with by the duty watch officer.

A In a situation that we've just, just gone through being this disaster if you like as described tonight by the Prime Minister on national television I would be absolutely amazed if he was not in constant contact with his officers the radio room, et cetera, et cetera, from my own point of view if I had been master of Young Endeavour on that night I would have assured that I had complete and total understanding and constant updates

as to the situations surrounding me both on board my own ship and the vessels that we were or it was let's say dutifully attempting to take care of.

Q63 O.K. If it was the - - -

A And escort to, escort, during the race that being the, that being what a radio relay vessel does, it's there for a number of reasons, it's there to act as a communications mother ship if you like and in turn there would be medical personnel on board and so forth to deal with medical emergencies and emergencies arriving, it puts a, in other words, it puts a very capable vessel in the middle of the fleet and it's intention is always to stay in the middle of the fleet or close to the middle of the fleet as possible, as I understand it, to act or be able to act in the event of an emergency.

Q64 Would it, and I don't know myself, but would it be the decision of the master or captain of the boat or the skipper of the boat to arrange tows or one of his subordinates or helicopter or chopper rescues or one of his subordinates?

A That would be at his sole discretion and so I can't answer that question.

Q65 O.K.

A I can only suppose how the structure was set up, the communications centre was set up but yes, it would, most commercial masters run ships on a basis that they are to be made aware of all situations pertaining to

the safety of vessels or vessels requiring or certainly in the event that there were distress signals and certainly, I'm talking about low grade distress, they would be informed, but in the event of Maydays, I would be absolutely amazed if the master had not instructed that he would be informed in that event and under those conditions I can't believe that it would be anything but impossible for him not to be kept and order his subordinates if you like to keep him completely updated as to the situation.

Q66 Anything you'd like to ask, Detective Grey?

DETECTIVE SENIOR CONSTABLE GREY

Q67 Just if I might, you've mentioned that at one stage during the early morning seven EPIRB's had been activated.

A On the 03.30 sked as set out by, as carried out by Telstra control on the radio relay ship Young Endeavour at the commencement of that sked of 03.00 they said that what they stated was at the present time we have seven EPIRB's, EPIRBs, standing for Emergency Position Indication Radio Beacon, were activated or were at present active in the area where difficulties were being encountered by yachts participating in the Sydney to Hobart Yacht Race. The advice was given from, they instructed the yachts that they had been asked by ACC Australia that any of the, any of the yachts were no longer in a distressful situation, could they turn off those EPIRBs, I say again turn off those EPIRBs as it

would assist the working out I suppose, and this is only supposition what they were really to concentrate on.

Q68 Are you able to tell me in what circumstances an EPIRB would be activated?

A An EPIRB would be activated in the event that you believed, I think the easiest way to answer this questions is if I say my understanding of how this works both from a professional and amateur point of view if you like, is that I would only activate an EPIRB if I wanted help, if I was in a position where I believe there was threat to life at sea, in other words it would be activated simultaneously hand in hand with a Mayday or if I was given an instruction to activate it for position, fix and purposes by, i.e. the Navy or the Royal Australian Airforce. I could be asked to activate it to pinpoint my position in other words, if I was in or believed I was in I was going to lose my ship or stood a good a chance of losing my ship if I Mayday, if I needed immediate help because I believe there was threat to life at sea and certainly if I was in a life raft I would activate my EPIRB, so under all those circumstances.

Q69 Your observations on the night through monitoring transmissions and things that you've observed since that time maybe via television footage are you able to describe the weather conditions on that night?

A Horrendous.

Q70 Have you ever encountered conditions like that yourself?

A Yes.

Q71 Would you consider any of the vessels participating in the race, bearing in mind the different categories unsuitable to travel in those conditions?

A I'm not a naval architect, my personal opinion is there would be some of those vessels I would not wish to be on, but it's, it's, I don't believe it's my call.

Q72 On the night I believe you monitored a number of transmissions from the vessel Team Jaguar. Is that correct?

A That's correct.

Q73 Any, did any of those transmission identify the exact problems that they were experiencing?

A They did. First one, well, the first number of, I stress there was so many, I, I believe I gave up counting I certainly did, but once again these should be a part of the official record. They said that they'd been dismasted, they'd been rolled over, they'd been dismasted and that they had in turn when cutting away the rig, this means getting rid of the baggage if you like that's alongside the broken rig and sails and the wire and twisted metal and the mast and the whole ball of wax, sorry, that's probably not the right word. All the equipment pertaining to the mast, the standing and the running rigging, they would cut that away and I remember a transmission described that they'd done

that, they were more than happy, they then tried to motor but they, they also, they got a rope around the propeller and so then they became completely disabled and were drifting north at the mercy of the wind and sea, north to north east.

Q74 In the sea conditions that you described and the vessel being in that condition would you, would you think or is your opinion that, that situation would be life threatening?

A Obviously, no, no I don't believe it would be, I don't know the boat intimately or personally but I don't believe it would be and it certainly has proved not to be. They didn't seem, I suppose if I could answer that questions more by saying two things, one I don't, they didn't seem overly concerned with the threat to life at sea in any way, they were concerned more to get out of there, they found it extremely uncomfortable as anyone would, but they, they didn't do, all they were asking for was a commercial tow or a tow to be set up to get them back, it's a big well-found yacht and all it would be would be uncomfortable but not life threatening in my opinion.

Q75 At any time did you hear a vessel that was directed to the assistance of the vessel of Business Post Naiad?

A There were on two occasions yachts that were asked to stand by if they could Business Post Naiad but by this time it was dark, no, that's not totally correct. I believe the first one someone was asked to stand by it

earlier in the piece but they were unable to because they, they'd also been rolled over and lost their engine and mast they could not longer stick with them, it was impossible and the second, the second one that I believe was asked if they would try and stand by was the vessel Midnight Special that was at 20.30 but they at the time of course were 8.2 nautical miles away at that time, at 20.30 hours. Naiad was drifting in the direction, of course, of Team Jaguar and had been travelling in the direction of Team Jaguar and at one time I had her, I had the two vessels only about seven, eight miles away from each other, seven, seven or eight miles away the best I could work out. Positions on Team Jaguar were, of course, fairly sketchy they'd, they had problems establishing their position, they had lost their main navigational instrument and they were trying to and eventually activated a hand held machine that pinpointed their position. So their, their exact position for some time was a little sketchy, they were also fairly hard to understand, but, eventually by way of getting someone at, I understand, Magellan Technologies or something in Sydney to by radio relay tell someone how to operate a hand held GPS on the 75, 80 foot ocean racing boat, Team Jaguar couldn't understand really why they couldn't just turn the damn button but, however, they did, they had to get someone to relay that and all through this, if I might just stress, all through this,

they had to, they tied the whole communications centre up, the main communications arm of coordinating the entire thing, they were tied up with Team Jaguar and its problems which were not, and I stress not, to the best of my understanding, the best of my knowledge, not deemed to be that there was any threat to life at sea, but they, they made countless calls and communications to and from Team Jaguar, involved other people, they allowed them to use and invited them to use the main HS, the main frequency HS frequency 4483, constantly and even during the schedule at between 3.00 and 4.30 the following morning, while the rescue was taking place and while the vessel that was going out to pick Team Jaguar up was now in and trying to get a line across to them, they, it would seem to me it could've used any number of other communication means, i.e. VHF radios, the radios, another channel on, on HF radio that they invited them and openly invited them and this is something I found absolutely amazing invited them to use channel 4483 and interrupt the full race schedule at any time so they could assist in passing a tow rope from one boat to another.

Q76 So what you're saying is that there are alternative channels that can be used other than the main frequency, is that correct?

A Many. 40 or 50 technically. But certainly many, many would be more than 10 if you like.

Q77 You mentioned that there were a couple of big vessels

that went directly to the assistance of Business Post Naiad. Are you able to tell me whether if they conveyed to the communication vessel that they weren't able to assist?

A They did. There was nobody standing by Business Post Naiad, no-one could get to them, they could communicate to them but if you look at the video footage of the daytime footage that's been now sent out on national television, if you convert that, I mean these are waves that are like three storey buildings and this is a yacht without a mast and to try and keep in contact with that vessel in the dark, unless you've been in those situations, I mean you can be 100 yards from a maxi racing yacht in those situations and you only see it once every two or three minutes and you can be 100 yards away and that's with full gear on.

Q78 You've mentioned that you've seen conditions similar to this in the past, have you got an opinion why lives have been lost on this occasion?

A I've seen those conditions on a commercial basis and I've also seen possibly nearly as bad as this On a commercial basis a long time ago when I was a little bit maybe, not quite as wise, quite as wise as I am now. I haven't got a real opinion, I, it's very hard to question it's not my place to, to second guess any of the skippers that went into Bass Strait. Would I have done it? No, I wouldn't have. That's the best answer I can give you. But, hand in

hand in saying that I wasn't there, I was in my own yacht and had decided to return to Eden.

Q79 If in fact at the start of this race, if you were informed that there, there were winds predicted up to 70, 80 knots would you have participated in the race?

A Well, you see, this is once again a curly question they, they said that they would, as the best as I understand it, and I actually didn't hear this but it's been reported on the T.V. and only this evening I heard the spokesman from the Department of Meteorology say that yes, they had forecast winds to 40 and 50 knots and as he said any skipper should know at 40, 50 knots a forecast wind could quite easily turn into a greater force. I'm only 44 years old but I, I knew that when I was 15 and second to that I worked, I do it with a very simple instrument that Captain Cook had that's called a barometer, so, so, you know, it's, there's definitely been mistakes made but, but it's not up to me to prejudge any of the skippers and I stress the people I know particularly and watch with particular interest because I've had a 20 year association, I believe that they know what they were doing and I don't believe they thought that this, that the wind strengths would hit this, they were 40 to 50 knots, that's quite able to be handled. The situation was I don't know that the radio relay ship gave the information that I heard that came through the Department of Meteorology I suppose in Victoria, it was

certainly coming up, it was coastal report from Western, Wilsons Promontory, early in the AM the station report at Wilsons Promontory was in excess of 70 knots, I believe it was 76, once again I didn't write that down.

Q80 O.K. Is it the case, what prompted you on the evening of the 27th to attend the Eden Police Station?

A Because I didn't, it'd been hours since 08, since 20.30 in the evening, 8.30 in the evening, until, it just seemed to forever, hours had gone by and all they talked about was Team Jaguar and no-one even bothered to try and communicate with other vessels and, of course, my particular interest being in Business Post Naiad, no-one even tried, or attempted to call them, and when they prompted to be called by, by Eden Police Station, which in turn went through and spoke to, and I personally spoke to Eden Coast Patrol and the radio operator at Eden Coast Patrol prompted Telstra control on Young Endeavour to call Business Post Naiad, it took him some, what seemed to me to be two to three minutes to even, he asked, I'll start that again, he, the operator at Coast Patrol Eden asked Young Endeavour, Telstra control, what was his last, what was his last known contact and what position, what information could he supply re Business Post Naiad, this was some hours after their last communication at 20.30, and it took him some minutes before he could come up with that information and when he did he said the last

information he had was at 20.30. Some hours later again the same question was asked, he, and, once again it was the same thing, I mean one, one, one could say that it appeared to me that they really weren't interested. Their main interest and focus and there is no doubt in my mind nor will there ever be any doubt in my mind that there only, or only real and main interest was in the vessel Team Jaguar, whilst they tried and they talked to other yachts and communicated with other yachts, they concentrated in excess of, I would, in my personal opinion, I don't have actual facts and figures to back this up but in my own person opinion they concentrated more than 80 per cent of their effort to effect the retrieval of the yacht and personnel on the vessel Team Jaguar, which, it, it just made little sense to me both as a yachtsman and a professional seaman.

Q81 O.K. Do you have anything further you'd like to say in relation to this incident or

A Not at this time, I believe I - - -

Q82 O.K. The time is now 9.51, 9 minutes to 10.00. Do you agree with that time?

A That's correct.

Q83 This interview is now concluded.

INTERVIEW CONCLUDED