

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded record of interview between Senior Constable David Upston at the Sydney Water Police on Tuesday, the 6th of the 4th, 1999, with Mike Fletcher, and the time on my watch is now 10.45am. Mike, for the purpose of the interview could you please state your full name?

A Yeah, Michael Fletcher.

Q2 And your address?

A Address is 5/12 Meriton Street, Gladesville.

Q3 And your date of birth?

A 9th of the 10th, '33.

Q4 And your occupation, please?

A I'm a full-time sailing coach.

Q5 O.K. Mike, for the purposes of the record, as I explained to you earlier, I'm making inquiries into the 1998 Sydney to Hobart Yacht Race for the coroner where six persons lost their lives and, four deceased and two still missing, and I am speaking to people that either are directly or indirectly involved in the, in the yacht race and I understand that, from our conversation earlier, that you were involved in previous Sydney to Hobart Yacht Races, is that correct?

A Yes, that's correct.

Q6 O.K. Just, if you'd like to give me your history of sailing and how you became involved in the sailing industry.

A I started off sailing when I was, you know, quite

young, 8 or 9, and started off life as an engineer and quickly got into the boat fitting manufacturing side of the industry and after six years in that area I became a full-time sailmaker up here in Sydney, moved up from Melbourne, and during that time I was involved in Olympic sailing, offshore sailing, you know, I did two America's Cups, two Admiral's Cups and another Cowes Week and I did an Admiral's Cup as a coach, so I had a fairly broad experience in both dinghy racing and offshore racing.

Q7 O.K. So, and how many years have you been sailing, say, larger type boats at sea?

A Since, since about '62 when I started sailmaking. I started, you know, because I was making sails for big boats I started racing them, that's where I first became involved in big boat racing.

Q8 All right. And you've, you're a sailmaker as well, by trade?

A Yeah, I was 25 years sailmaking until 1983, which is when I went to the America's Cup and started a full-time coaching career.

Q9 And what sort of involvement have you had with the CYCA?

A I guess it must have been around the probably 1988, after the America's Cup, I got involved in serving on the sailing committee and about that time I was asked to, if I was interested in putting a professional team together to run the, the Hobart race and the regatta

that's involved, you know, pre-Hobart. It used to be called Southern Cross Cup, sometimes it's Southern Cross Cup and off year it used to be called the whatever series, depending on who the sponsors were at the time. So that's how I got involved and I accepted that job. And before that the race was run by, Gordon Marshall was the, the chief what do you call them, OOD, officer of the day or what do they call the -

Q10 Probably just the chairman of the race committee or something, was he?

A Yeah, he was the head man for the Hobart race and he was ably assisted by Keith Storey who was a wealthy member of the club, had a big boat, used to use his boat as a race official boat, et cetera. And it was about that time that the racing had become much more professional. You know, there were, you know, sort of international skippers coming out and the fleets were getting bigger and it appeared that the normal standard of race management and race, the running of races and setting out the courses wasn't good enough and the club had actually got into some strife with an American competitor who had been caught with a sail that hadn't been double measured and there was a protest and somebody called him a cheat and, allegedly called him a cheat and then he sued the club and all this stuff was going on. So I was asked to put a team together, and I knew Greg Halls and I knew his expertise in, you

know, in the rules side of things and, you know, his, his expertise with rescue and, you know, because he works in the industry with the, with the marine surveying. So I asked him to, to come on as, and run the, the race committee vessel, you know, which is the one that pulls all the flags up and down and directs the mark laying boats and all that sort of stuff. And then I asked Jim Orrell who's a rules expert and solicitor to come in and run the office side of things and look after receiving protests and make sure entries were in at the right time and all that sort of stuff and I got Roger Badham in to do the weather and I was left free to sort of do the practical on the water side, go out and figure out where the wind was and where the courses were going to be and, you know, what direction to lay the courses and, and so Greg and I basically worked as a team on that job. He was in the committee boat and I was on a small boat, used to lay out the start lines and go out early and look to see what the wind was doing and sort of make the decisions on wind directions and sort of sailing things. So that was, I think the first year we did it, I'm not too good on years, Greg would know these things because he probably keeps good records. But I sort of had a look in my diary and I think it was sort of '88, '89, about there.

Q11 O.K.

A And I guess we were, one of the things we bumped in to

straight away was the fact that there were a lot of local rules that Keith Storey and Gordon Marshall and the CYC race committee and sailing committee had got together over the years and the first thing we did was change them all back to, to the, it used to be then the IYRU rules, which is the International Yacht Racing Union, which is the world body governing yacht racing. It's now called ISAF. And we did that largely because those rules are, you know, they're used by everybody in the world for racing and international sailors they come over and they know them, so we didn't need a whole bunch of local rules, so that's the first thing we did. And this was basically, our push was to bring everything back to the international rule system so that anybody could come and race, like we go and race in Europe, we know what the rules are, they come here and race they know what the rules are 'cause we're all using the same rules. And I guess, you know, the next thing we, Greg and I had, you know, the first year we sort of got in and did all that stuff and found out what worked and what didn't work and then started to, the next year started to put it into operation. The next year Jim Orrell wasn't there, he wasn't really the right person for the job and the next year the sailing secretary at the CYC sort of did his role in running the office and that sort of thing, and Roger Badham, he sort of got the flick too because he was too expensive and they sort of left Greg and I. So then we, we did

the next one and, you know, and we didn't have a lot of problems with the next one 'cause the weather was good, but we sort of had problems with the office, you know, the sailing office, basically enforcing the rules, like closing dates and, you know, this has to be done or you don't race and, and all that sort of thing, because they were always keen to get as many boats as they could and if they got some late entries they'd say, "She'll be right", you know, "We'll put you in there". So we sort of struggled with that a bit and the communication with the yachts was something that was pretty dodgy in as much as the radio relay vessel, you know, when they ran skeds they used to have trouble contacting yachts and it's, you know, it's better now but it's still a problem. And, you know, when we looked into this we, we sort of thought pretty laterally about it and we decided to do a Hobart race without a boat and we did it on shore, we did it in Greg's Land Rover, set all the radios up and we did the skeds from the coastguard stations down the coast and then went across Bass Strait and we did a couple from his, the radios in his wagon, his Range Rover which was set up, you know, properly with the proper radios and everything and, he actually did one sked from the bridge of the cross Bass Strait ferry, the hydrofoil, the big, you know, the big monster because we couldn't get the car on and the fleet had run down the coast quicker than we'd expected and it was really bad

weather and it was then that we had massive problems, everybody had massive problems communicating with the yachts this night and it was blowing pretty hard. But there was one yacht that could, seemed to be able to contact everybody and this guy spent the whole night relaying positions and eventually we got everybody and at this stage I was back in Mallacoota or somewhere down there recharging my batteries and Greg went across and back on the ferry because we couldn't get the car on, so I met him at sort of 3 o'clock in the morning and we went on the next ferry. But it was then we sort of realised after we'd plotted where this boat was and we found that he was one of the most eastward boats of the fleet and we also found that he had a professional radio man on board and it was just a little 36 foot yacht with an old radio and, but the guy who was on it had cleaned all the terminals, you know, tuned the radio properly, 'cause he was a professional, and the thing was giving out its proper signal. And so we realised then that 1, that you had to have a good radio that put out what it was supposed to put out and 2, that you had to be out wide. So we sort of changed the next year the radio relay thing wasn't, the, the road thing, everybody thought it was a really big joke, but we actually learnt quite a lot by doing it and that was one thing we learnt that the radio relay vessel traditionally used to go into port at night, you know, used to go and shelter somewhere, used to go into

Jervis Bay and do the radio skeds from in there and places like that. So then we insisted that they stay out wide, and the other thing we did was we checked all the radios. Greg got busy down in Hobart and got a radio technician and went round and checked about 20 or 30 or 40 radios in the yachts that had arrived down there and found out that their output was about 50 per cent of what, you know, what it should have been. And it was then that we implemented that the yachts had to have a radio certificate, that the radios had been tested, that their output was actually what they were supposed to be outputting and all that sort of stuff. So we sort of, we sort of implemented things that we found that, that didn't, you know, that were a problem and I guess, you know, when the 50th came round, you know, we'd had some dramas in, you know, with boats losing keels and bad weather and stuff like that and boats in strife, and having to run rescue operations and in that experience we sort of had a pretty good handle on the ropes, like we knew you guys at the Water Police and we knew, you know, the system that if somebody was deceased you had to do this and this and this and this and how to, you know, work with the guys in Canberra and we'd, you know, we'd sort of had been in communication with all the coast stations and, you know, they knew us and we knew them and we helped each other and we sent them down lists of boats and, so that if something happened we could ring them and say, well,

we're having trouble contacting this boat, can you help us, and normally they had people listening and they could do it. So we sort of got all these things together and I guess they were sort of, you know, they'd probably tabulate it somewhere, but it was sort of things when Greg and I moved in to run the Hobart race we came in, sort of, you know, early December or something like that and by that stage I was doing a lot of coaching and I wasn't, you know, I wasn't really on, spending a lot of time on the race committee at the CYC, I was probably still a member, but I hardly ever went to the meetings 'cause I was always interstate or overseas or something. So we used to just move in and start doing stuff, you know, just getting it all in place and I think the 50th was the first year that you guys probably went down, shadowed the fleet down the coast and - - -

Q12 Yep.

A - - - that was one of the things we, that we got organised to, you know, in case there was a problem, like, with 300 boats out there we were pretty worried and, you know, we had the Army and Navy standing by and everybody was on, you know, massive full alert in case we got caught with our pants down, and that year I went down on the Young Endeavour as a radio operator with Lou Carter and, you know, that was a pretty, that was quite an experience too because I think Lou at this time was, you know, probably had a problem in lack of

support and, you know - - -

Q13 But that's, you're saying that this time in the race
- - -

A Yeah.

Q13 - - - he's had a problem?

A I'm sure he did, you know, because he's basically there, he was there, the two people that go and support him, whilst they're lovely people, they're not very efficient, you know.

Q14 Well, who is that?

A The Browns. You know, they've been part of the furniture, you know, for years and they keep, they go down every year because it's their, sort of their right. But the year we went down, you know, Michael, you know, had a crook knee and, you know, when, when it got rough he couldn't get out of his bunk and, and his wife wasn't very well either and, you know, they're both pretty long in the tooth, so, you know, Louie and I ended up doing the whole thing on our own and if he had been on his own he would have been just hopeless, you know, he would have been just 24 hours a day and you can't do that. So this year I think he would have got caught the same

Q15 Right.

A So I'm sure that's something they need to do in the future is send somebody as a backup with Lou, and I mean when everything's fine, you know, he can get it all done and if there's one or two boats in trouble you

can, he could probably handle it, but when you start getting a lot of boats in trouble that's when it's a problem.

Q16 Yeah, yeah.

A And the year we had, you know, we had the guys swimming around in Bass Strait, you know, off the J33 or whatever the name of it was, I can't remember now, that was a bad night and, you know, that night we knew it was going to be a bad night and Greg had gone home and then when it started to blow I sort of rang him and said, "You better get in here, quick 'cause something's gunna happen bad here". And we started monitoring radios and, you know, the first boats that got into trouble and as soon as it started to get hectic we rang, you know, rang some people and got 'em in there quick to, people who could run a radio and who could take notes and plot positions and stuff like that because, and we sort of ran the rescue operation between the CYC and the race committee boat and one of the problems then was the, you know, the radio communications at the CYC were poor, you know, in, in as much as receiving and sending. And, you know, we had, the same as happened this year evidently was they had somebody out on a yacht that was getting good, good signals and relaying the messages up and down the wharf and that was something we had the same problem there and we actually went into that problem after that race and said this is ridiculous, you know, that the CYC

can't receive and a, and a boat down there on the marina can, and evidently there was - - -

Q17 That's this year you say?

A No, this was - - -

Q18 Or was it a previous year or - - -

A This was

Q18 - - - years ago? Right, on the - - -

A Before the 50th.

Q19 Yep.

A Before the 50th, and they, they sort of looked into it and said they had, would have had to have a repeater station at South Head or somewhere or up near the lighthouse or somewhere to get good signal and, you know, it was gunna cost a lot of money and it just sort of got swept under the carpet, never happened. And shortly after that, I mean originally we used to sort of run the race control for two days from the CYC until the boats got into Bass Strait and then everybody would shift down to Hobart because the coms were better from Hobart than they were from New South Wales. And then it seemed that, you know, after I got out of being involved with it, you know, they started going straight to Hobart and running the whole thing from Hobart. So I don't know what happened in, what happens in Hobart, but our experience in Hobart was not good in as much as the people down there weren't as fussy as Greg and I were with keeping in contact what was, with, you know, with what was happening, you know, sort of in between

the skeds and what was happening with the weather and stuff like that. And I mean when I had Roger Badham working with us we used to, you know, issue a forecast each sked, which they do now, but, and they get it from, and I think they get it from the weather bureau. I don't think there was any problem with any of that stuff this year. I mean, I was on a boat this year and the day the boats left and Roger Badham was giving a private briefing to one of the boats and saying, you know, you're going to get plenty in Bass Strait tomorrow night and, you know, like, three of the, two of the international weather systems are saying, like, between 50 and 60 knots and the local guys are saying 45, so it's gunna blow like hell. You know, it obviously got worse, but everybody was, everybody that knew, that started in that race if they had their, if they'd done their homework properly knew it was going to blow, like, really hard. So anyway -

Q20 Did you sail this year in the Sydney to Hobart?

A No, no.

Q21 No, you didn't.

A No, I haven't, I sort of for the last, after the 50th I don't think I did it, well, after the 50th Greg got out, he was busy at work and he didn't get, you know, he wasn't available and, and I did one just as, as the man to make sure the start lines were right and that the courses were laid up wind and stuff like that. I did one with Jim Orrell as the officer of the day and

I did another one with Mark Pryke, yeah, I did one with Mark Pryke and, and then I got too busy with Olympic coaching and I haven't been involved for the last couple of years, so -

Q22 O.K.

A But that's sort of the history of our, of the, of our involvement with it.

Q23 Right. Now, you, as you said, you've been involved since probably 1988 until just recently with the last couple of years. So I'd say that's a fairly extensive type of role that you played and especially with the initial set up of - - -

A Yeah.

Q23 - - - of the race committee as such. Now, you mentioned - - -

A when it came back to the international rules system, I mean, there's, there's nothing, there's nothing there that's not used in all the yacht races round the world. It's just a matter of, the CYC don't make up the rules, they have, they actually have their, you know, their, quite a few of their own safety, their own safety systems which are probably, you know, probably the CYC lead the world in their radio communications and skeds. I mean, when they had that bad Fastnet race in England they didn't have any radio skeds at all, they didn't even know who was in the race, and I've done two Fastnet races and they didn't have any skeds. You know, so they actually took a leaf

out of the CYC's safety record and started running radio skeds and stuff like that. So, so a lot of the safety stuff has been pioneered by the CYC but the rules are actually put in place by the Australian Yachting Federation and they're all, all the safety regulations are all laid down quite clearly, you know, what you have to do and, and the, you know, the offshore racing rules and stability rules and all those things there, they're international and they're engineered by Lloyds of London and, you know, the international yacht design specifications and all that sort of stuff. So all those rules, they're not sort of made up by the CYC or the people who run the race or anything, they're, all the people who run the race do is make sure that the rules are applied to.

Q24 Right. So as, what, you were chairman of the race committee?

A No, no, I was never chairman of the race committee.

Q25 O.K. But you - - -

A Greg Halls and I were dual directors of the race.

Q26 Right.

A Yeah, that's, that's the word I was looking for, race director.

Q27 O.K, race director.

A Yeah.

Q28 Now, with that, were you directly involved in the writing of the notice of race - - -

A No. The, again, the CYC do that, the race office do

that. We look at it.

Q29 So the sailing office does all that?

A the international regulations, you know, the ISAF rule book now tells you exactly what to put in the notice of race and again, that's an internationally accepted document now. It's got to say when it is and when the races start and what the safety regulations are and what rules you're racing under and all this sort of stuff and it tells you exactly in the blue book what to put in there.

Q30 O.K. And you're very familiar with that, you're familiar with the categories and what instructions are in the notices of races at that particular time?

A When I was running it. I mean, we used to go through them and say, hang on a minute, I think we have got a problem here, what's this mean, or - - -

Q31 All right.

A - - - have you forgotten, you've forgotten to put this in and it went, you know, it was one of those documents that was printed and I, I, and it used to be sent out to all the committee members to look at and I think you'll find that the race documents, like the notice of race and the sailing instructions all have to be vetted by the national authority.

Q32 Right. You mentioned earlier about some problems that you encountered with the, with the race office with the sailing office and you as a member of the sailing committee with people being allowed to enter after the

closing date and, and all those sorts of stuff, all that sort of material. Can you sort of enhance on that any?

A Mostly small, small office, you know, paperwork problems where the, you know, somebody had faxed in a late entry and it had have a date on it and a date that was actually after the date, you know, it might be three or four hours afterwards and then, and somebody would say, "It'll be O.K, it's only a couple of hours out, we'll slip it in there". But then the fax would come up to us with a date and a time on it and we'd say, well, hang on a minute, we've got a bit of a problem here, that sort of thing.

Q33 What did you used to do as far, if a late entry come up what would, what would you want to do?

A We'd want to rub the guy you know, and there were a couple of entry dates, you know, like, there was a late entry date that carried an extra fee and all that sort of stuff and, you know, we sort of jumped up and down and said, "Well, you, you know, when you make these rules you've got to stick to 'em".

Q34 And that was the case?

A You know, or don't have the rule.

Q35 Right. And it was the case that they didn't, they often just flaunted that?

A Not often but, you know, we had occasions where we had to say, O.K, you know, this is a problem. And, you know, there was never a problem with safety and things

like that, but I mean, all the, I mean the rules say that the guys that, the rating certificate that's given, is presented to the race officers is the responsibility of the owner that it be correct. You know, so if one came in and it had a wrong righting moment on it or something like that, if we didn't spot it well it would go through.

Q36 Right.

A You know, it'd be, it's the responsibility of you if you're entering the race to make sure that your certificate is in order and it's correct. So, but, but we used to correct, we used to look through them because there were, you know, there were certain specifications on righting ability of the boats and size and all that sort of stuff and crew, crew experience and all those sort of things, we used to go through and check those.

Q37 Right.

A You know, when entries came in we'd just get a stack of them and go through and check that all the figures were right.

Q38 And if there was an anomaly with that, was it ever the case that you would refuse entry?

A You'd have to, yeah.

Q39 And why would you have to?

A Well, because the, because the boat that was entering didn't meet the rule requirements. I mean, it could be that the boat was too short, like, there's a minimum

size boat that's allowed to go in the Hobart race. So if one comes in and he's six inches short, you know
- - -

Q40 You mentioned a minute ago - - -

A - - - it just can't go.

Q40 - - - about a stability problem, that a vessel might have had a stability index that might have been incorrect and you would pick up on that, and then what would you do?

A Well we'd just, we'd say to the guy, unless, unless this is a mistake in the rating certificate, and go and check it with the Australian Yachting Federation, you can't go.

Q41 And has it been - - -

A Like, you don't meet the requirements, and I think there was a, at one stage there used to be a pull down test that you could do to, you know, to make sure that, that the thing was O.K. as an extreme thing. Then there was an error there where, you know, there was a lot of hooing and humming and hahing because when they changed from the IOR rule to the IMS rule, are you familiar with those two?

Q42 Yep.

A And some of the IOR boats that were measured and their stability was O.K. under IOR and had done six or seven Hobart races, all of a sudden they got measured IMS and their stability was wrong, you know, it was, it was right on the edge and then, and we're saying to them,

"Well, you can't go to Hobart, your boat's not seaworthy, you know, it won't right itself and all this stuff". And, "Well, how come we've been allowed to go for the last 10 years?" So that was a, you know, something, I, I forget, I think they put a grandfather clause on it or something, you know, it was -

Q43 Yeah. And how did you, how did you fit with that grandfathering clause?

A Well, we'd have to, you know, we'd confer with the Australian Yachting Federation and the experts around the place and, you know, and it was, it was a, it was more of a numbers problem than a seaworthiness problem.

Q44 So what you're saying is if vessels didn't comply with the IMS regulation or they fell just short of the stability index for the IMS ratings for that particular category 1 race, the club, is it often the case that the club would say, "O.K, let's, let's put a grandfathering clause in and just let them go"?

A No, it was, it was done through, it was done, if you, if that was done it would be done at the Australian Yachting Federation level. It wouldn't be a local, it wouldn't be our decision to change the rule, that's what I'm saying.

Q45 O.K. But with the notice of race and the race instructions, a grandfathering clause can be - - -

A No.

Q45 - - - written into it, is that right?

A It can't be really, no.

Q46 O.K.

A No, the boat's got to, it's got to comply with the IMS rule. I mean that's why the boats weren't allowed to go unless they had an IOR certificate.

Q47 Right.

A And they're not allowed to go, I don't think they've ever been allowed to go, you know, from ever since I've been involved, unless you either had an IOR certificate or an IMS certificate, because those certificates measured, you know, the strength of the boat, the righting capacity of the boat and the seaworthiness of the boat, basically.

Q48 And if they didn't have one you knocked them back?

A Well, you, you just literally could not go without that, without having a certificate that was correct.

Q49 Has it ever been the case where, that you're aware of, that you've either checked one or it hasn't been checked or it's come through the sailing office and not passed through you at all being - - -

A Oh -

Q49 - - - are they allowed to go?

A I wouldn't think so.

Q50 Yep. So it's fairly strict?

A It is, very strict.

Q51 All right.

A Like, that is one of the most strict areas in the whole thing is the safety area and the safety checks that the boats are done. Like, every boat has, has a safety

check before it goes to make sure it's got all the right equipment and that the equipment is working and every boat is done.

Q52 Now when you - - -

A There's a list there, I mean, we, we implemented the board with all the, my suggestion being a practical person, the board with all the names of the boats and the list of all the things that had to be done, like, safety check, radio check, blah, blah, blah, and there was a column for each one and when it was done it was coloured in, great.

Q53 Yeah.

A You know, when you had it all going right across there you were allowed to go and everybody could see it and you didn't have to get it and look into computers and all that stuff, it was just on the wall. So that side of it has always been very, very strict.

Q54 With the, you mentioned earlier about some of the yachts that submitted late documents, was that, was pressure ever put on you at all by the club to allow these vessels to enter because of - - -

A No, not really. I mean, we worked pretty well with the club and we never had arguments with the club. We had discussions as to why things were happening, but I mean none of those things were serious problems. I mean there was never a problem, I mean all we did was say O.K, if you don't, if you're going to let boats in after this date change the date. You know, if you want

to let them in right up till the start of the race, change the date till then.

Q55 Yeah.

A But don't put a date down and not stick to it, you know, because if you start doing that then you can start changing other things and -

Q56 Yeah. And they did that, they, did they change the date or did they - - -

A No, the dates were, yeah, the dates were changed and there were, you know, there are extenuating circumstances that a boat can get in - - -

Q57 Right.

A - - - late. You know, if his rating certificate is being re-run and it's not available because the OYF's on holidays for Saturday and Sunday or something like that, you know, they'll extend it, but it's got to go through the race committee and -

Q58 What would be your thoughts on that if a vessel didn't comply with the correct stability ratings of an IMS certificate and was allowed to race?

A I'd say it would be just totally against the rules. I mean, it just shouldn't happen. I mean, we had one, we had one boat where the keel fell off and the boat capsized and, you know, the crew was rescued and everything, but we actually had a look at this afterwards and said, you know, how can a keel fall off, like, it's got to be ABS designed and this many keel bolts and, you know, like it's strictly done and we

found out that the boat had been altered, like the weight of the keel had been changed and they put a bulb on the bottom, but it hadn't, they hadn't redone the bolting system. So basically the righting moment that the keel was putting on the boat was greater than it was designed for and it ripped it off. And then we said, well, you know, how come this didn't show up in the certificate, you know, and we found out, you know, by going back through the OYF and talking to Tony Mooney and people that you could actually alter a boat and it didn't necessarily show up through, you didn't have to register it through the OYF. And because we found this out they actually then put a section into the rating certificate that if you're going to alter the boat you must get it first passed by the ABS design programme and ratified by the OYF and put on the rating certificate. I mean it was just one of those loopholes that nobody had ever discovered or foreseen, rules are like that.

Q59 So that's all been rectified now, so if there's any changes - - -

A

Q59 - - - they've got to know, they've got to be notified?

A Yeah. I'm sure it's still there.

Q60 And just with your involvement in sailing and races and all that sort of thing, how often have you sailed the Bass Strait?

A I think I've done five.

Q61 Right, Sydney to Hobarts?

A Yeah.

Q62 Right. How would you class Bass Strait, and you've sailed in various places around the world through your
- - -

A Yeah.

Q62 - - - through your sailing and instructional wise, how would you class Bass Strait?

A It's just a piece of water that gets pretty rough, but it gets pretty rough in the English Channel too and, you know, I guess, I guess where it gets windy in the ocean it gets rough and I think, you know, the sea on the corner of Bass Strait and the east coast is probably pretty bad 'cause you get the east coast current and the Bass Strait swell hits one another and the waves get a bit, you know, they haven't got a very good direction, so they're hard to read. But, as I said before, the first race I did that was exactly the same weather patterns as this, we got, sort of copped it in the middle of Bass Strait and the seas were massive. They were probably just as big as here but they were running pretty straight.

Q63 How many vessels got into trouble then, do you recall?

A Basically, I don't think anybody, there was a lot of retirements and Salacia ripped a front hatch off, you know, the big boats used to have big, really big hatches that got blown off and, you know, there were boats with masts ripped out and all that sort of stuff.

But I mean the strength of the boats these days is not, I don't think's a question. The boats are like six times as strong now as they used to be, ever were and the problem is now is that they're probably stronger than the human beings are, like, staying on them is a problem, you know, because they're very wide and the cockpits are shallow and there's very little protection, you know, whereas the old boats used to have coachhouses and the cockpits were like waist deep and stuff like that and, but the boats were twice as heavy so they used to take a much bigger pounding. You know, and the old timber boats, I mean, they used to blow planks off and, you know, dreadful things used to happen to them these boats, the, you know, the frame construction, if you'd like to call it that, core construction went through a bad era where, you know, they used to, bows used to collapse and, you know, we had, boats were pulling out because of bow damage and all that stuff, and that doesn't happen anymore, you know, and they sort of found out how to put the ring frames in them and how to make them strong enough. And, you know, a lot of rigs used to fall down and when they first started putting light rigs on they used to drop them like nine pins, you know, and now, you know, you lose a few but I mean if you look at how many masts fell down in that race, probably half a dozen out of a hundred.

Q64 So it's, quite an extensive amount of damage was

through the sea conditions?

A It's just, it's just they're racing machines, this is the thing that you can't get past is that the Sydney to Hobart is a race and it's raced with racing boats which are not built like, you know, 10,000 tonne ships. You know, if you're gunna race a boat like that you'd guarantee that you'd come last and people build boats to the rules and they're built light and they're built to race. So, you know, you strike extreme conditions you're gunna break things, you know, and it's generally masts and, and the boats sort of normally survive the sea.

Q65 O.K. The time on my watch now is 11.26. The interview is now interrupted for a tape change.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

SENIOR CONSTABLE UPSTON

Q66 The time on my watch is now 11.30am and the interview between Fletcher and Upston has resumed. Mike, we were talking about the sea conditions and the troubles associated down in the Bass Strait and one thing I was going to ask you was how you would rate the Bass Strait compared to most places that you've sailed in in the world and including, I understand, you've sailed twice in the Fastnet races?

A Yeah. I think it gets rough because it's, because a, it's down it blows a lot down there. I mean, you can hardly ever go to Hobart without getting caught

in some sort of bad weather and I think that's, that's the story to it, you know, and there's nothing between there and the South Pole so it's pretty, it's pretty wide open.

Q67 Yeah.

A So, but I, you know, I sort of have the feeling that, and I've been in this situation, when you, when you say to people race, people, they're in a hurry to get there and they're trying to beat other people, at some stage when you race you've got to say, whoa, this is getting a bit dodgy, we're going to have to look after ourselves and our boat otherwise we're going to drown and that's a decision that's got to be made and it's not necessarily we're going to run for shelter, it's, it could be that that's the smart thing to do, but it could be that it's the smart thing to do to stay out there and put your boat in the right situation with the sea and get it snug down and get it so that you can steer it at the right speed and just, and survive it, and I'm sure some people are better at doing that than others and I think when you get into the sort of conditions that people are in down there, a lot of people have never seen those conditions before and a lot of people are not good enough seamen to handle it and possibly they were just unlucky being in the wrong place at the wrong time, but I don't know, I just think that possibly, you know, the seamanship is a bit lacking in some areas.

Q68 So do you think that the criteria at the moment for the yacht race as far as seamen and their experiences is sufficient?

A Yeah, it's been discussed, you know, for years this, and there used to be no experience needed. You just, if you entered, you entered, that was it and it was, you know, it was, the CYC initiated the experience bit and that you have to have to so many hours at sea on board and so much experience and stuff like that, but it's still pretty hard to police. It's like the people who wander into the motor registry and get, and sit for a licence. You know, they answer the questions and they drive round the block half a dozen times, but does that gear them to drive at 160 kilometres down an expressway.

Q69 Well where do you think it should be? How do you see it that experience should be governed?

A I don't, I think you can only say to people, you know, how many hours have you been to sea and what races, long races have you done and stuff like that. I think that's all you can do. You know, there's, when you take a hundred boats there are going to be some people way better than others and, you know, a lot of the, a lot of the people who are experienced got there.

Q70 You mentioned earlier about the, an American vessel that when you were, or prior to you setting up the new sail committee or the racing committee that was involved. What can you tell me about that boat that

caused a problem?

A It was only, it was a, I think it was an IOR rule then that the sails had to be double measured, so you had to have them measured by a measurer somewhere and when they came to the CYC to do the Hobart race or the Southern Cross Cup series they had to be measured again by an official measurer and signed, and I think this sail just had one signature on it instead of two, so that was the problem.

Q71 Did the vessel race?

A Yeah, it had raced, yeah.

Q72 Right.

A That's why, where it got, it got sprung after it had raced that it only had one measurement. I can't remember the details now whether it had been supposedly measured and hadn't been signed or, you know, there was some problem, it wasn't a big drama.

Q73 All right, O.K.

A Like it wasn't as if to say it was twice as big or it was half the weight or something, it was just somebody hadn't done something and somebody had seen, you know, I mean that's why the rules are framed in that way and the system is such that competitors can actually see that the rules have been applied, you know, that the sails have got a stamp and they've got some guy's signature on it. And if you sail past something and you see they've got a sail that's not stamped, you go, he's using a sail that's not measured and he's not

allowed to do that, so you put your flag up.

Q74 So the rules are quite stringent as far as all that's concerned - - -

A Yeah.

Q74 - - - as well as, the same rule, I suppose, applies as to the stability index also as to the safety of the vessel?

A Exactly the same and, you know, the race committee can get on board a boat at any time and check that they've got their anchors, they've got their corrector weights in the right place, their batteries are strapped down and that they've got the right amount of fuel on board and all that sort of stuff, and they do.

Q75 With, initially when you set up the race committee and set up the rules, set up various tasks to, and such even to travel down the coast and communicate with people and check up your communications and all that sort of thing, obviously you found it quite necessary to do so. Has that been improved or has that, do you know if that's still carried out?

A I really don't know. I really don't know. When we were doing it we always used to do it and, you know, just like we used to ring the water police and have a yarn with you guys and see what you were up to and, and just touch base with, with the guys in Canberra. I mean, we had a massive, you know, it was a massive organisation for the 50th where we had 300 boats went down and we went overboard in that race to make sure

that we weren't going to run into, you know, we could sort of see conditions we had. The couple of races before when we had three boats in trouble at once, we could sort of visualise having 30 boats in trouble, you know, and this sort of stuff, and we, the CYC ran some seamanship lectures and, you know, stuff like that, you know, and there was, you know, the message was very strong for caution, you know, in the race and to look after your boat and, so, you know, that message, and we got some strong wind in that race but nobody got into trouble, thank goodness.

Q76 All right, then. Well, Mike, is there anything else you'd like to add, like you'd, in regards to the race or the things that - - -

A No, only - - -

Q76 - - - you used to do or -?

A I think only that, you know, that once you go ocean racing and you go out the heads you're basically challenging the elements and you're backing your skills against the elements and if your skills aren't good enough you lose and you drown yourself and, you know, the people that go out and do ocean racing they know that there's a risk there and I think the, you know, I sort of sometimes have a feeling if you said to that fleet, cruise down to Hobart and we'll have a big party, I think everybody would have got there because they would have known it was gunna blow like the clappers and they would have sneaked down against the

coast and when it started to blow they would have been about 5 miles from Eden or Jervis Bay and they would have gone in and when it stopped they would have gone out again and cruised down and gone to the party. But that's not why they go to Hobart, they go there to win a trophy and to race, so people will, as soon as they go offshore they go, say, it's going to blow 60 knots, we can handle that, and they go offshore to get the current and the next thing when they're, when they get into strong winds they're like 60 or 70 miles off the coast or something and it's, then it's, you know, I've spoken to some of the guys off the Winston Churchill, and it was safer for them to stay at sea than it was for them to try and go back to Eden or anywhere, because they were at a better angle with the sea and the boat was handling it quite nicely and, just obviously the wooden boat got a big wave and broke a piece off it, which is what used to happen to wooden boats.

Q77 Which it subsequently sank?

A Yeah, and pretty quickly. You know, like, if the guys that were on board there, most of them were boat builders and, you know, like, really experienced people that knew the boat really well, you know, and if the, I thought to myself when I heard it had happened, you know, if anybody could have saved that boat those guys could have.

Q78 You're aware of the different categories for obviously,

of the races, obviously?

A Yeah, I'm not familiar with them the ones that are there now, but I know there's, you know, there's an IMS thing and there's a CHS and there's a arbitrary handicap and -

Q79 But the category of the races, like, with the Fastnets are category 0 - - -

A Yeah.

Q79 - - - with a stability index and the category 1 for the Sydney to Hobart.

A Yeah.

Q80 Do you feel that - - -

A I didn't know the Fastnet races are category 0.

Q81 O.K, all right. Well, do you understand why - - -

A Well, zero is the around the world specification, I think, isn't it?

Q82 Yes. Do you think that the Sydney to Hobart should be upgraded to a category 0 race in lieu of the seas that can be experienced?

A You know, I was actually quite surprised that, never having been involved in round the world racing, that the life rafts were different, I didn't know that, you know, because I hadn't been involved in that side of it. And, you know, I was quite surprised when, you know, what happened to some of the life rafts in those conditions, like, the ones that the guys in Winston Churchill were on, you know, that they, you know, I've seen life rafts, you know, blown up and, you know, at

the demonstrations and stuff and I've said to some guys on board with me, you know, when it's blowing like hell down in Bass Strait and you say, "How would you be in a life raft right now?" And you think to yourself, like, just there's no way you'd get in a life raft unless really compulsory. But I think there's a big question mark, you know, like if I was going down there now I think I'd be pretty happy to have one of the category 0, if that's what they're called, life rafts, you know, and the trouble is, well, it's not the trouble, but all these things, you know, they're always looking at expense, you know, and they change the rules and it costs the sailors more and the owners more and, you know, quite often they might say, O.K, well, we won't change the radios this year to something else because, you know, it's going to bump the cost and everything's fine, you know, or the life rafts, you know, they're adequate and, you know, they've done the job for this many years and, you know, and the other one's going to cost another 10 grand or whatever.

Q83 Well, we talked about the categories under the international sailing rules as a category 0 having a stability index of the vessel of 120 degrees, the category 1, which is Sydney to Hobart having a stability index of 115 degrees and so on down to a category 2 which is a stability index of 110 degrees.

A Yeah.

Q84 In your racing history, and being on Sydney to Hobart

yacht races, five of them I think you said, in the past, have you ever been aware of the stability index of that vessel that you've raced on or - - -

A Yeah.

Q85 Yeah.

A Yeah, when I was involved in the racing I used to know all the rules inside out, but I haven't been involved much with IMS 'cause I got out of the sailmaking business before it was invented, so I don't know much about the IMS rule.

Q86 Right. But - - -

A Only that it's, you know, it's been brought up under the same auspices as the IOR and by the same sort of people.

Q87 Right. But if that's the case then, prior to sailing you, or prior to the vessel being entered in a race you'd want to know what the stability index of the vessel is - - -

A

Q87 - - - or would you think that - - -

A I'd be pretty keen to know that she was a good seaworthy boat and I'd be happy to go to Hobart in her.

Q88 Yeah, and if it didn't reach the stability index of the particular race you would then, what -?

A Well, it wouldn't be allowed to go. I mean there's just no way it would go.

Q89 Is it something that you'd check up on?

A Yeah, I'd, well - - -

Q90 Personally?

A - - - I would, yeah. I mean I used to get involved with the rating of the boats to make sure it was right and sails were the right size so you'd always have a, you know, I'd always have a rating certificate at work of the boats I was racing on because I was making sails for them and I'd have all the numbers and -

Q91 Would it surprise you to say that, that I was to say that it's generally the case that most of the yachtsmen don't know the stability index of the yachts they race on?

A It wouldn't surprise me in the slightest. I mean most, a lot of guys that go to Hobart hardly know, a lot of them don't even know what the ropes do on the boat, you know, because they go down there and their job is quite a small job, it might be that they work at the mast and they pull ropes off winches and they know when you pull the spinnaker up that they pull the green one, and when you drop it you let the green one go, and they wouldn't know how to steer the boat at all.

Q92 Right. You being, your present position being the Australian Olympic sailing coach, is that correct?

A Yeah.

Q93 O.K. And you're travelling, you're actually sailing, you're flying out tomorrow for three months to do training with the Australian sailing team, is that correct?

A Yes, yeah.

Q94 What are your thoughts on, on then, the inexperience of these seamen going down in the Sydney to Hobart Yacht Race knowing the conditions that you've experienced in the past in ocean races?

A It scares me a bit. I mean I wouldn't go, I wouldn't go to Hobart with some of the crews that go because I know they're inexperienced and, you know, I think one of the problems is they get down there and they get in bad conditions and they get seasick, people get seasick and the next thing there's only two people left on board that are strong enough to do anything and after the first 10 hours they get exhausted and then you've got a massive problem. But, I mean, you can't sort of go out and test everybody to see if they get seasick. You've got to accept the fact that, O.K, there's four experienced people on this boat and they've done the time and they're going to take five others with them and, you know, and quite often they're not that experienced. I mean they took some youngsters down this time who had no experience at all and it's been happening for the last umpteen years, people, I guess that's how you get experience, you go and, you know, you do races up and down this coast and it can get just as rough here. So, you know, if you're going to, how do you start driving a Formula 1 car, you know, you start racing open wheelers and things and if you're really, really good at it you get a go at the big time and I guess the really, really good sailors sail with

the really, really good boats and the really, really good other sailors. I mean, I've never been down there with anything but a number one crew because that's the sort of, you know, I was always sailing really competitive boats. But I also trained some of these other people that have done, you know, like, I ran a training course at the Cruising Yacht Club in their Elliott Academy and some guys had done six or eight Hobart races and they didn't know a sheet from a brace when you told them to put a spinnaker up.

Q95 Do you think that it should be, that the sailing experience should be looked at in future races?

A It's been looked at for years, you know, whether, all they can do is make it, make the qualification more, you know, that you have to be more experienced and, I don't know, then you get to the stage how do you ever get any ocean racing experience, you basically can't go out of the heads unless you've got your experience, you know.

Q96 O.K. Is there anything else you'd like to add to that?

A No, not really, I, only that, you know, the race generally has had a very, very good safety record and that the CYC generally have, you know, have been the leaders in ocean racing safety and yacht integrity, you know, right back through when Gordon Marshall was, Gordon Marshall was one of the leaders in it, you know, when he was the director of the Hobart race and prior to that he used to be one of the, you know, the world

experts on the IOR rules and safety regulations and all that stuff, so I mean the CYC is, you know, can hang their hat on a lot of the world safety stuff at the moment, you know, they actually implemented most of it.

Q97 O.K. All right, the time on my watch is now 11.50 and this interview is now concluded.

INTERVIEW CONCLUDED