

SENIOR CONSTABLE UPSTON

Q1 This is an electronic record of interview between Senior Constable David Upston of the New South Wales Water Police on Monday, the 1st of November, 1999 at 77 Kangaroo Street, Manly. The time on my watch is now 7.33pm and the interview is with Mrs Denise Lawler. Denise, for the purpose of the interview, could you please state your full name?

A Denise Robyn Lawler.

Q2 And your date of birth?

A I was born on the 7th of November, 1941.

Q3 And your current address?

A 77 Kangaroo Street, Manly.

Q4 And your current occupation?

A I'm retired.

Q5 Denise, I'd like to introduce you to Senior Constable Stuart Gray from Bega Detectives. As we spoke earlier, we are making inquiries into the 1998 Sydney to Hobart Yacht Race and the subsequent death of your husband, Jim. What I'd like to talk to you basically today is the relationship that you had with your husband and things that may be just associated with your life. Also present is Danny Lawler, your son, and also Jim Lawler, your nephew. Is that correct?

A That's correct. Yes.

Q6 O.K. Now what was Jim's occupation?

A Jim was a ship surveyor and before that a marine engineer and he was at sea for 8 years as a marine

engineer. He's been ashore and worked with American Bureau of Shipping as a ship surveyor for 31 years or thereabouts. He served as a chief engineer at sea and travelled to New Guinea, mainly coastal shipping with Caltex, with Howard Smith's and with Burns Philp, the companies that he's sailed with.

Q7 All right. And how old was Jim?

A When he first went to sea?

Q8 Yes.

A He was 20, 20 years of age and, as I say, he was at sea for 8 years and during that time, we married just before he went to sea and during that time we had a family and I think it was, finally he decided to come ashore because, although he loved being at sea, our youngest son Daniel was quite ill at the time. So that was the time that he decided he needed to be home.

Q9 Right. And as a result of the marriage how many children did you have?

A We had four children and I think I had the first one when I was 18, Jim was 20, the last one I was 25 and Jim was, what was he, he was about 28, I think, yes. We met, I was 15 when I first met Jim and we began keeping company. I was still at school, Jim was doing an apprenticeship at Cockatoo Island at the time and doing his, in preparation for his marine career and used to visit me at boarding school because my mother said I should go to boarding school because of this friendship I had with Jim. And anyway when I left

school we saw a lot more of each other, of course, and by the end of the year we married. So that's been 40 years next month that we were married and 43 or something that we've known each other, so it's been quite a long time and really Jim was the only serious boyfriend I ever had.

Q10 So it's been a very long relationship?

A It has, yes.

Q11 Yeah. And since you've known Jim what's his health been like?

A Jim's always been very healthy, yes, he, I think he had minor things like cartilage operations from an old football injury, but other than that, I think he had that kneecap removed in that leg many years ago, but other than that a very healthy man and enjoyed good health and had very little patience with not being well. Even when he had his kneecap removed he was out of hospital one afternoon and, even though he had a long plaster from his ankle to his groin, went off to work at the office the next day and, of course, went sailing 2 days later. So that's the sort of fellow he was, he really didn't have much patience with being sick or incapacitated.

Q12 Right. So he's led a very sporting activity - - -

A Yes.

Q12 - - - and a very sporting life?

A Yes.

Q13 And has it basically been revolving around sailing and the marine industry?

A I think sailing has probably been his greatest love. However, we lived in Pakistan for a number of years and whilst he was there he joined the Hash House Harry's, which is an amateur, well, I can't exactly say it's a racing running club, but it's a bit of an excuse for people to get together and they have a bit of a run and then at the end I think they have a few social drinks and then, of course, he continued that when we lived in Singapore. So, yeah, he liked to that but it wasn't very serious athletics.

Q14 Right. And was there any serious illnesses that Jim has had apart from the damages to his knees through football and the like?

A No, he developed coral ear when he was at sea in New Guinea. I think that gave him a little bit of bother over the years, but no, other than that nothing much at all.

Q15 Mmm. And then you returned back to Australia after many years?

A Yes. We were in Karachi for 4 years and in Singapore for 5 years where Jim looked after the office for the American Bureau of Shipping in the port. And then we came home to Australia in 1986.

Q16 And where did you set up your home then?

A Here, in Kangaroo Street, Manly.

Q17 And that's where you've been ever since?

A Yes.

Q18 O.K. And what sort of a relationship have you had with Jim in those times that you've been here in Sydney, in Kangaroo Street?

A Well, of course, for the first time in our marriage we were on our own and I think we had a pretty good time. I think he's probably been, with trepidation had been looking forward to, and I say with trepidation, first he was going to retire early and sail in the Med and do all those wonderful things but I think as retirement age was approaching he became a little bit reluctant to do that. So that ambition was travelling further into the future. So unfortunately he was to retire this year and was going to do all those things, but that's not happening.

Q19 Right. And did Jim then continue his sailing and the love of sailing?

A Yes, he did, and participated in many Sydney to Hobart Yacht Races and Sydney to Southport Yacht Races and the Lord Howe Yacht Race plus his harbour races, with his club races and offshore races as well, yes.

Q20 How did you feel about him going sailing?

A I was very happy for him to go sailing but I must admit I probably was a bit cranky about Hobart races because it always messed Christmas up for everybody. But no, I supported his sailing and we owned many different boats during that sailing career and I was always very enthusiastic. I probably participated in leisure

sailing with him over those years, probably less and less as he became more serious with racing. There wasn't a great deal of time to mow the lawn and to go out leisure sailing and race too. So probably my participation was less over the years, but yes, that's - - -

Q21 All right. So through all that, of course, Jim has also led a very successful business life?

A He has indeed, yes. He was the area principal here in Australia for his company and before that in Singapore he had quite a prominent role there as well and was considered for area manager of the whole Singapore-Australasian region. However, family commitments, we had our youngest son at boarding school and at the time and he was about to leave school and I think Jim felt that he needed to be back here in Australia to help Danny and make sure we put him on the right path in life. So we came home from Singapore, so he declined that offer but had the area managing role here in Australia so - - -

Q22 Did Jim have a good relationship with his children?

A Yes, he did. There was only one son who was a sailor at that time, but yes, he had a good relationship with the children.

Q23 Mmm. And Jim's peers, how did he fare with those?

A Well, I think if anybody had been to Jim's funeral he would probably see there well over 1,000 people at the funeral so I think Jim was very well liked and very

well respected by most people who knew him. He always, I know this for a fact, tried very hard to help people and he made some very impressive associations over the years. He even took Prince Edward out on his yacht. So yes, I think he was very well respected, very well regarded.

Q24 Mmm. Right. All right. Now just leading up to the Sydney to Hobart Yacht Race of last year, what was Jim's thoughts leading up to the race that you can recall? Did he have any feelings, did he have any thoughts that he expressed to you over race or perhaps any, any thoughts at all that he may have given to you earlier?

A Well, this was the first year that Jim hadn't taken his own boat Charisma with his own crew and so I think he probably felt some apprehensions, maybe because he'd heard the weather report and because he didn't know the boat, he didn't know all the crew that were going on Winston Churchill. So I don't really know why he felt a little bit apprehensive, but I certainly detected that on the morning of the race. I took him to the C.Y.C. and I left him at the gate where he preferred not to delay my departure with him. He wanted to get about his business. On the journey there he certainly expressed some sort of dis-ease, saying that he felt it was very tiresome having to spend the hours waiting to get things going and organised. Now I've never heard Jim express that reluctance before. Every other year

he's been extremely excited and anxious and stimulated and ready to get down to the sailing club to get the boat ready to get underway. This time there was a distinct reluctance and I actually said to him, Don't you want to go, love? And he just said, Oh, yeah, I suppose so. So yes, I just don't know, I didn't know at the time, I just put that down to the fact that he wasn't on his own boat with his own crew. However, I don't know whether there was any more to it than that.

Q25 Mmm. Now you said earlier that he sailed on Charisma and he had a crew that he regularly sailed with. Is that right?

A That's correct. Yes.

Q26 Right.

A Old friends, long friends, his nephew Jim, who's present here with me now. Yes, I think they'd been a fairly cohesive group for how many years, Jim?

MR JIM LAWLER

Certainly since Jim came back in 1986, we more or less got together.

A And I know the nature of the way the crew always interacted was that if there were any concerns there was always a consensus that Jim, so I understand from the crew members, that if there was any concern about strategy or whatever I think there was always a bit of a round table discussion and everybody's opinions and perspective was taken into account. Was that correct, Jim?

MR JIM LAWLER

Sure.

SENIOR CONSTABLE UPSTON

Q27 And you feel that he had certain misgivings over probably sailing with a crew that he's not quite au fait with?

A I do feel that, yes, but there again I don't even know how well he knew the other crew members and I, of course, now know that he only knew probably two or three of the crew, so maybe that was his concern, maybe the fact that he wasn't going to be captain and wasn't able to make decisions as he saw fit, but having been an experienced yachtsman plus a marine engineer at sea for many years he probably had very definite ideas on the way he would do things. He must have realised that that wasn't going to be entirely his decision so maybe that's why he was apprehensive.

Q28 Mmm. Yet he still elected to go, but from your feelings he was just, he wasn't really happy?

A He wasn't happy to go, no, I'm quite confident of that, the more I think about I'm quite confident that that was the case but, of course, having committed himself to something I know that Jim would never have withdrawn.

Q29 Mmm.

A That was just the sort of person that he was.

Q30 Was he well on the day?

A Yes, he was.

Q31 There was no problem about illness, he wasn't - - -

A No, no, he was well, yeah.

Q32 Mmm.

A As far as I know he was quite well.

Q33 And then, pardon me, when he, when you said your
 goodbyes at the gate there was nothing else that was
 said that you can, that you can think about?

A No, I don't think that there's anything else, no.

Q34 O.K. Now, Denise, is there anything that you would
 like the Coroner to look into, any questions you have
 about the incident that you'd like to sort of mention
 on tape?

A Well, the only question that I would wish to be asked
 would be, or to clarify completely, would be whether
 Jim had some wishes as to where they were position wise
 or any strategies that they would embark upon and I
 would like to think that maybe his opinions or his
 directives or whatever were taken into consideration.
 Now I feel that possibly there was consensus there by
 the people who were involved in the tactics but I don't
 really know that and probably would like to have that
 clarified if possible, just for my own peace of mind
 because it just, well, I just wonder, anyway. I guess
 I just have questions as to why they were where they
 were.

Q35 Mmm.

A But not being a yachtsperson I don't really understand it, maybe that's what they decided to do but that's the only question that I would like the Coroner to clarify.

Q36 When you say that you're not sure of where they thought they were, you're meaning not in their, their position, their actual position but in that storm, what are you saying that you think that they could have made other decisions not to be there and maybe retire earlier or continue to go on. Is that what you're trying to say?

A Probably I'm basing my opinion which is, once again it's a very, I'm not really qualified to even have these opinions because I don't understand or I've never been in a yacht race and I've certainly never been in a Sydney to Hobart race, but I just am basing my opinion on the fact that in a previous race in '93 that the crew decided to pull into Eden for a period to let the storm blow out. However, I understand the conditions were probably much more sudden and much more, not quite so conducive to that, I'm quite happy to accept that. But I just would like to know, was there another way to go about this or were they out there and couldn't do anything about it?

Q37 Mmm. O.K. Is there anything else, Denise, that you'd like to add?

A No.

Q38 That you feel or you can think of or, pardon me, nothing you can expand on there?

A No, not at this, no.

Q39 All right. The time on my watch is now 7.51. This
interview is now concluded.

INTERVIEW CONCLUDED