

DETECTIVE SENIOR CONSTABLE MOSTARD

Q1 This is a tape recorded statement taken at the Mallacoota Police Station at, at 12.42pm on the 29th of the 12th, 1998, and it's the statement of Peter Patrick Lumtin - - -

A Paul.

Q2 Sorry, Paul Patrick Lumtin, of 3 The Road, Penrith. Also present is Sergeant Richard Mostard of the Gippsland Water Police and Senior Constable Tony Bean, also the Gippsland Water Police. Paul, would you mind stating your full name, address and your occupation?

A Yes. My name is Paul Patrick Lumtin, address number 3, The Road, Penrith in New South Wales, and my occupation is accountant.

Q3 O.K. We talked before about the statement. Would you like to read that passage out of it?

A Sure. "This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court 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 wilfully stated anything which I know to be false or do not believe to be the truth."

Q4 O.K. And your age, please?

A 32 years of age.

Q5 Now, Paul, you were on board the Winston Churchill in the Sydney to Hobart Yacht Race this year?

A That's right.

Q6 Could you just describe to me in your own words, events leading up to the race, the race itself, and your subsequent rescue?

A O.K. Events leading up to the race. We'd obviously done some preparation beforehand and we'd been out a couple of times on the boat just to familiarise the crew, if nothing else. I think there was five of us on board who had been to Hobart together last year, so we were very familiar with one another and the operation of the boat. We had a few new sails that we were trying out and a few bits and pieces that we were doing. So, basically, race preparation wasn't too intensive, but done adequately enough. Yeah, data base, the weather forecast was good. We sailed out of Sydney heads and we had a, had a good northerly behind us for most, well, a good part of 10, 10 or 11 hours, and we were making quite good ground. After the, after the wind turned around and, and started to come on the nose, we listened to the weather report and were told the it would be between 30 and 40 knots, with the chance of gale-type thunderstorms further in to sea. So we were happy with that and we kept sailing and at the time, at the time we got into trouble, I was actually asleep down below, I was off shift. I was in one of the bunks on the starboard side of the boat, just aft of the, aft of the mast, and I was, I was asleep at the time and previously to that I had been up

on deck and, and looked at the weather conditions. I'd been on the ship before. At that time, we were experiencing winds up to about 55 knots in about a four to six metre swell. So, the weather was quite rough. At that stage, at the finish of our shift, we had, we had reefed the mainsail down to its third reef and lowered the main, the headsail and put a storm gib up and the boat was, was moving quite, quite well, I think we were averaging about seven knots and probably about eight over the ground at that time. So we were quite happy with that. At the end of my shift, the wind started to increase a little, it was kind of gusting up to around about 60 at that time. At this stage, we decided to drop the main altogether, which is, you know, the thing that you do, so we dropped the mainsail and left the storm gib up and when I left my shift I made a plot on the, on the map, of our position, which I can't remember what it was at that time. But, and then I've left to go downstairs to sleep, and the other crew came up. I believe that Richard was at the helm at the time the wave struck and John Deane was up on deck with him and because of the conditions and the rain and the water and the fact that there was no sail changes to be done, most other people were down below. In fact, I think everybody else was down below at that stage. When the wave hit, it was, there was a loud crash, there was a lot of confusion. Obviously people were asleep and when you do on-and-off shifts, you

sleep for four hours, you go into quite a deep sleep, so it's quite frightening to get woken up like that. The boat listed. I, from where I was sleeping in the, in the starboard side bunk, I got thrown across the boat. I actually thought the boat had rolled over, I didn't quite know what had happened. There was a lot of mess and bodies and things everywhere inside the boat. So, so I, I only had a T-shirt on, so my first priority was to get some, some warm gear on just in case we were going, going to bite it, so I, so I went and threw my wet-weather gear on and tried to find a pair of shoes and, as did everybody else. I think somebody was standing in the doorway putting Bruce's thumb back in place and, we just kind of checked everybody out to make sure that everybody was O.K. So, we all got up on deck. I raced back to the navhelm to see if I could get a position so that we could put out a Mayday call and there was nothing there, being completely washed out. The GPS wasn't working, the, all the maps and charts had been smashed out the window, so I had nothing, and at this stage I was getting quite worried because I realised that I didn't, I'd been asleep for three hours and I didn't have a clue how far we'd gone, if at all, whether we'd got anywhere. Richard, who was at the helm, had an idea of where we were, so he said, "I'll make a Mayday call and I'll tell them that we're about 20 miles south-east of, of", I can't remember where he said it was, whether it

was Gabo Island or, I'm not sure, Twofold Bay I think it was. I tried to get the, I tried to get the electronics working. While everybody was kind of scanning down at the top of the boat, I was downstairs trying to get the radios to work. I'd, at that stage, I'd left the, I'd left the radio on weatherfax, and I didn't have it on 4483 and when the water hit everything, I couldn't change channels. So, we may, we put a Mayday across on that channel and we also put a Mayday across on channel 16 which was acknowledged. By the time that I'd realised that we'd taken on that much water, I tried to get the motor started. I tried about three or four times to start the motor. We did have battery power there, but it just wouldn't start. There was so much water coming in that I didn't think it was smart to try and work on anything down there because I just at that stage knew that we were taking on a lot of water and there probably a good chance that we'd lose it. So at that stage, I thought, well, it's time to bale out, so I think we made another two Mayday calls across those channels, not, they weren't being acknowledged. The first one was acknowledged, none others were, and I don't know whether they were received or not. And so the main priority then was, everybody was up on deck and we got the life rafts out, we knew that we wouldn't, we were going to have to jump it. It was, was, it was a very hard thing to, to get off the boat, because we didn't know whether she was

actually going to sink or not, and when I spoke to Richard, I said, "Look, do you really think this is going to sink?", because the type of design that it is, it doesn't have, doesn't have a hell of a lot of lead on it. And Richard was of the belief that it might not, might not really sink, but it might just, kind of, take on a lot of water and bog along, in which case we could put the rafts out and keep it with the boat in the hope that we'd be, be found easier. And as, as it, as it turned out, we got the life rafts out when we got hit by a second wave. We got one life raft out and then another wave came and, and the boat went down very quickly. So at that stage, I had jumped out and grabbed on to one life raft, and I had some, I had somebody behind me, I don't know who it was, I think it might have been Michael Ryan, and I had him, and I jumped into the life raft and I was pulling Michael Ryan in. I pulled Richard in and I think Bruce Gould I pulled those guys in. Then the others were in the water and we only a four-man life raft and they had a six-man life raft and we had two other guys trying to climb on to our life raft. I could see the other life raft had been deployed and I said, "Look, guys, you go over to that life raft, 'cause if you jump into here, none of us are going to make it. So, you go over to that one, you'll be safe", you know. So, we kept them to the life raft until they, we pulled it over and made sure that everybody was on, safely on board the life

raft. By this stage, the boat was down to the second spreaders, I think. And, so at that stage then, after, you know, priority number one, to get, get everybody on board a life raft, the plan then was to try and keep the life rafts together because we only had one EPIRB, which I had on me. I don't know how I got that EPIRB, I can't, I don't remember having it when I jumped off the boat. I think I might have picked it up out of the water, and I think I, I, it's very vague, but I'm pretty sure I must have grabbed it out of the water, and, and grabbed on to the EPIRB. We, the life rafts were just terrible. The, very thin string, they just weren't built for any conditions like that at all. We attempted to tie the two life rafts together with the string, and would not have been five minutes then they were separated. I don't remember seeing the life raft after we were separated, maybe once or twice, it's quite vague, but I'm pretty sure that it was very soon after that we were gone. After the life rafts had separated, we figured, well, even though we're separated, we should pretty much drift in the same direction, because we both had sea anchors on board the life rafts. Shortly after that, ours broke. So, our life raft was at the mercy of the wind and theirs was at the mercy of the current. And I'm sure they didn't drift as far out as what we did, simply because we just didn't have anything to slow us down. And then what transpired after that, we had a

frightening night. The, the life raft was just, was nowhere near big enough for four of us. We got rolled over fairly soon after getting on board and lost most of the rations and, after managing to get the life raft upright again and trying to, because there was no baling bucket in the raft so we had to try and improvise. We actually used somebody's boot to try and bale the water out. After we started baling water out, we got tipped over again and lost even more rations. Mind you, after the, after the first knock-over, I tried to gather as much as I could back out of the rations and I think I grabbed some biscuits, I grabbed three flares, I grabbed a foot pump and I grabbed some water sachets. And I put that back into the, into the rations basket and tried to keep that with me. And the second time we got knocked over was fairly, you know, it was fairly rough and I must have lost it. So after the second time of being knocked over, all we had was a couple of the water sachets, I think we had a packet of biscuits which Richard had stuck down his top, and we had a foot pump. And then after, I don't know, I don't know what sort of time-frame I'm talking about in terms of the events, but shortly after the turn-over, there was a hole in the hull. We found a hole, hole in the, it was leaking water. In other words, we were baling out, but we weren't keeping up with it. And I could feel something hitting us underneath, which I thought might have been the sea anchor. What it was,

was the, the nitrogen bottle which was just hanging loosely off, off the bottom, with a, with a tube that went into the raft, and it's obviously pulled a hole at the connection. So that's where it must have been leaking. Although it was a slow leak, it was still, we were in a bit of shite. And then after that, after being bashed around, we, I don't, we didn't topple over again, I thought we toppled over twice. After that we got, we did get knocked around quite severely, nearly to the point where we did go over. There was a hole punctured in the bottom of the raft from that, from that bottle or from something. It was, I mean the raft was just atrocious, and I think that although it did save us, it only just saved us. And so we spent the next 25 hours in the water until we sort of, we, 24 hours until we saw a spotter plane, an hour later we were picked up.

Q7 Right, O.K, excellent. What was your position on the actual boat, what was your duties?

A Navigator.

Q8 Navigator.

A Yeah, navigator with Richard and, Richard and I were navigating, we were navigating. Basically, I do one shift of navigation, it's my responsibility to do the, to do the SKEDS and make sure they get done. Make sure the equipment's working and make sure we know where we are and - - -

Q9 And what are you qualification as a navigator?

A I've done a Sydney to Hobart before and I also hold a, a fixed wing endorsement. So, aeroplanes.

Q10 So you've done a fair bit of navigating.

A Yeah, yeah, yeah. I would say a fair bit of navigating. I haven't got the experience of those other blokes, but I, I'm competent in what I do, yeah.

Q11 O.K. No worries. In relation to the actual boat itself, can you describe what the, what sort of boat the Winston Churchill was?

A Yeah, it was a wooden ketch, or, wooden yacht. Beautiful boat. Yeah, really, really well restored. When, I remember when Richard bought the boat, it was in, it was in pretty good condition actually. It was in, it was in pretty good nick, but it had old rigging on it. It, it had, it needed a lot of repair work, needed a dust-up, and Richard spent quite a bit of time and effort, owning a marina as he does, spent a lot of time and effort and probably, yeah, spent, spent a lot more than what people think on doing the boat. Did a marvellous job, new rigging, new mast, new everything, and she was just gorgeous. When we sailed into Hobart last year, it was just beautiful. We sailed her to Southport this year, not a problem in the world, just, just a beautiful boat. Very good condition, just with a few leaks and that in the, in the -

Q12 Have you sailed with this crew before?

A Yes.

Q13 Right. Everybody?

A Nuh-huh.

Q14 No.

A No, I'd sailed with, I've sailed with John Deane, John Stanley, I've sailed with Richard and, who else have I sailed with? I think that's about it actually.

Q15 All right. Who else was on the boat besides them?

A On the boat beside them was, there was Bruce Gould, who I'd sailed with twice before. Jim the same. Mike Bannister and John Gibson. And of course Michael Rynan.

Q16 Michael Rynan.

A Yeah. Michael Rynan, this is the first time I'd sailed with him, he hadn't sailed with us before.

Q17 Right.

A Yeah.

Q18 O.K. Any problems with the crew? They all did their jobs?

A Yeah, yeah. No, terrific. Look, my, my experience is nowhere near extensive as their experience in ocean racing. In fact, I'm one of the learners, not one of the, one of the teachers. The experience that those blokes have is well revered in, in the yachting fraternity. They have the highest amount of respect from, from anyone. They, they have a very, very, a very keen following of, of, of men that are proud and happy to sail with them. They, they've got a lot, lot of experience. I mean, I, I wouldn't be with sort of anyone else. That's, that's the way I see it.

Q19 O.K. The sea conditions and weather conditions right at the start.

A Yes.

Q20 How were they?

A Terrific.

Q21 Terrific. And down the coast?

A Down the coast, rough but not, not anything to, to panic about, no.

Q22 O.K. And when the wind eventually came around and increased, what did the sea conditions rise to then?

A I think the sea conditions at that stage, I, like I said, I, I'd done the shift beforehand and three hours prior to the yacht sinking, I had actually been, been down below. But when I left, the sea conditions from my recollection, were roughly a three to four metre swell, with winds gusting to 55 knots. So between 40 and 55 knots, which the boat was handling quite well.

Q23 So you assume in the three hours you were in the bunk, the sea actually built up?

A The sea did build up, yeah. The sea built up. The winds did build up a little, I think they were gusting to 60 knots, so they weren't gusting too much more and consequently round about 50 knots. So, yeah, the sea had built up quite a bit. More than we'd expected and more than had been forecast for that area.

Q24 Right.

A And yeah, the wind had, had increased slightly, yeah.

Q25 O.K. Was there any discussion at all about abandoning

the race?

A No.

Q26 Hadn't been mentioned?

A No, not at all, no.

Q27 Right. So you were happy where, more than happy with the way the boat was handling and everything?

A Yeah, absolutely. Yeah, no, we were, we were rapt. We were really rapt, yeah, yeah. In fact, I think that, looking at our last year plot, I think we were about, I think we were about two hours ahead of our last year's position, before the southerly hit, so we were, we were really happy about that, yeah.

Q28 O.K. Do you, would you know the time that the Mayday was given out?

A I think the Mayday was given up, given out around about 3.30, 4 o'clock, but I can't say.

Q29 O.K. And that's on the 27th?

A Yes.

Q30 O.K.

A Where are we? Yes, that's right, yeah.

Q31 O.K. O.K. And from what everyone else has said, the boat didn't do a 360, it just got flattened?

A That's right, yes, yeah.

Q32 And sustained, obviously, a lot of damage

A It did, yeah. More, more damage than, I, I didn't even know a wave could do that much damage.

Q33 Right.

A So, yeah.

Q34 All right. When you got into the life raft, you've mentioned about you tied them together.

A Yes.

Q35 And that lashing broke.

A Yes. Well, I mean, the thing with the life rafts is that you don't, I mean, there's nothing you can tie them together with, there's no stronghold points, the rope is a really thin horrible rope. It's - - -

Q36 Did the rope actually snap or did it come undone?

A I think the rope snapped, I think that, from, yeah, no, the rope did snap. It was, it actually had a, a waxed-in knot at the end of the rope, which was tied off with some tape, and I'm pretty sure that that was a part of the rope that was attached to the life raft, and I'm pretty sure it snapped.

Q37 Right.

A Yeah. I don't remember seeing the rope again after that, but I'm pretty sure at that time I saw, I saw the rope had snapped, yeah.

Q38 Right, O.K. Do you know the make of the raft?

A Yeah. I think it was an R, RFD.

Q39 Yeah.

A Yeah.

Q40 O.K. Right. The Mayday call that was given out by Richard - - -

A That's right, yes.

Q40 - - - O.K, and on what frequencies? You've mentioned that before.

A I think we put one out on 76 vol met weather, and channel 16.

Q41 And channel 16. And were they acknowledged?

A On the channel 16, yes.

Q42 Right.

A Yeah, once.

Q43 O.K.

A Yeah. We were quite happy that the Mayday call did go out, because it was acknowledged. When they asked us for a lat and long, we actually chose not to give them a guess, because we might have thought that might have been perceived to be an exact position, and therefore we might have been misleading them to our whereabouts. So, we gave them approximate position, hoping that they would know the situation.

Q44 Right, O.K. The antennas for that particular radio, are they mast-mounted or deck-mounted?

A Yes, mast-mounted, yeah.

Q45 So they would still have been above water at this point?

A Yeah, well above water, yeah, yeah. No, they were fine. Yeah. The radios, it was quite funny. The radios were working, but we just couldn't, couldn't change the channels and it was, I've never seen that before.

Q46 Right. Do you know the makes of the radios?

A Not off the top of my head, no. No, not without looking at a radio.

Q47 All right. After you parted company in the rafts, what, night set in?

A Yeah.

Q48 So, you obviously lost sight of the other raft?

A Yeah, we lost, I, personally, I lost sight of the raft very quickly after they separated. I believe that Richard said that he saw the raft for quite some time after that, but I was actually sitting behind him in the raft, so I couldn't see.

Q49 So the safety gear you had with you was flares?

A Yes.

Q50 How many of those?

A The flares were on the boat. We, we, we did actually have, I had a, we had a bottle of flares on the boat. We had a tub of flares. We attached that tub of flares to a harness which we then attached to the front row of, behind the navhelm, so they didn't get washed over and we could take them with us. The boat sank that quickly that I don't think anybody had the sense of mind to grab them or we forgot them, or whatever. We did have, we did have plans to take those with us, but they, they just went with the boat.

Q51 Right.

A The flares that we did have originally on the life raft, we had three, I think there were three hand-held flares and I think there might have been two or three rocket flares. After the boat rolled over, we were so lucky that we were able to keep two of them. We, the

two rocket flares that we did have after we went over the first time, we actually stuck in our, in our jackets, so that we didn't lose those. So that, that's what we managed to keep.

Q52 O.K. So those flares were actually contained in the raft - - -

A In the raft, yes.

Q52 - - - while canister.

A Sorry? No, they weren't in a canister, they were just in a, in a bag.

Q53 No, in the raft canister - - -

A Yes, in the raft canister, that's correct, yes.

Q54 Yes. O.K. So there was no EPIRBs near the rafts?

A No. We had an EPIRB but that was from the boat.

Q55 From the boat.

A Yeah. No EPIRBs in any of the rafts, which is just, you know - - -

Q56 Yeah. All right. Now, on some safety issues.

A Mm.

Q57 Have you got any comments about the actual running of the race, not the rescue or the life raft, but the running of the race. How, how do you feel about the safety there?

A I think, I think the running of the race, I don't think there's any safety issues there, not at all. From, from my perspective, from the radio reports and the weather reports that we had at that stage, up until the time that I had bunked down, didn't suggest anything

like eight-metre swell and 60-knot wind. We were told that out to sea there was a gale force warning with five-metre swell, and in the region that we were we did experience 40 to 50-knot winds with three or four-metre swell.

Q58 Right.

A And it was nothing like that.

Q59 O.K. All right. Now, when you got into the yacht, into the life raft, sorry, there was some injuries. I see you've got a bandaid on?

A Yeah.

Q60 How did that, what's the extent of that injury?

A I kind of sliced the top of my finger off in the glass in the navhelm when I was trying to get the radios working. We got hit by a wave and I got pushed over and I sliced my finger.

Q61 And the only other injury was the dislocation to - - -

A Yes, that's right.

Q61 - - - Bruce Gould's thumb.

A Yeah.

Q62 O.K. All right. Now, when you were in the actual raft, you've made comments already about, you know - - -

A Yes.

Q62 - - - efficiency of the life raft.

A Yeah.

Q63 Do you want to just explain more about that and talk about any other safety issues lacking in the raft?

A Yeah. Well, I think the first thing that, I mean, the most obvious thing is that it's definitely not a four-man life raft. Just not even nearly. I suppose when you jump off a boat that's sinking, anything's good, and it doesn't matter how small it is. But in terms of, in terms of survival on a life raft like that, we, we wouldn't have gone another day. It was, it was just a poorly-built raft, it was, you know, poor construction. I don't think it was nearly well enough equipped with any of the safety equipment that you would expect to see on something like that. I mean, even the ties on the door, you know, the, these stupid cotton ties you had to tie up. I mean, you can't untie those things once they get wet. And especially when you flip over and you have to untie them quickly, there's just nothing you can do. So, we, we ended up having to, to cut those and then we couldn't tie them back up again. The provision bag, every, everything was stuck in one big bag, which meant that if you wanted to get something out of the bottom of the bag, you had to pull all the provisions out to try to get to something, which is not an ideal situation. What you really should have is, maybe four or five different bags that are actually attached to the inside of the raft, so that when you do roll over, they don't go out the door. The, so that was, that was the biggest problem that we did have, because obviously when we were looking in the bottom of the raft to find things

we needed, sorry, in the bottom of the bag to try and find things, we had to pull everything else out. And when you're in a very small raft and it's filling up with water and things are floating around, you've just got nowhere to put anything. You can't see anything and, so that was, that was one of the biggest problems. I think the next thing which is the construction of it. This thing just got flipped over and, I mean, the sea anchor broke after two minutes, you know, I mean, that's just not, not good. The ropes that they use to, I mean, the ropes on these rafts were just not the kind of ropes that you need for any sort of condition. They just weren't strong enough, they were tiny little ropes. Most of them broke, I'm sure the sea anchor rope broke. The, the construction of the bottom of the raft was only one-ply material and of course the canister came up and put a hole through it, and I'm sure the, I'm sure you could have actually put a hole through it with your foot. It just felt that, that flimsy. There was a foot pump on board which was obviously designed to inflate the raft again should it go down, which, I mean, the connection just did not fit. Now, in the instructions that we read quite some time after that, which, I mean, you shouldn't have to read instructions in this sort of situation, it should just be, keep it simple, stupid. And we pulled this foot pump out and the, the connection on the end just did not fit in, and so then it was like, well, where's

the, you know, where's the little lug? Well, you can't find a black lug out of a rations bag you've pulled apart to try and get a foot pump out. I mean, you, you expect that you just pull it out and put it straight in. So, if it wasn't for our persistence in modifying the end of it and sticking it in until the bloody thing did work, it, yeah, we would have been, would have been sinking. So that was a problem. I mean, there's, yeah, I suppose I've got a whole lot of things to say about life rafts, but - - -

Q64 That's all right. O.K. How was the morale aboard the life raft?

A I, personally, I was, I was really, really scared. I really thought I was going to bite it. The first night when we, we tipped over, I thought I was going to die right there, because we just got tipped upside down, I couldn't breathe and I couldn't see, I was stuck in the bottom with somebody on top of me and I just, don't even want to think about it. But, anyway, we managed to clamber back up, but after we, after we'd toppled over twice, I think we all realised we were in fairly grave danger, and at that stage I thought it was pertinent to try and make, make out to everybody that I wasn't scared. And, and I was more concerned about young Mike, 19 years old and his first ocean race, and here he is stuck in a life raft. So I, I kind of felt it was a bit of, maybe my duty to try and keep his morale strong, even, even though I, I didn't feel that

strong myself. But in doing that, we, we all kept each other strong, so you know, Richard, Richard was there for me and I was there for Mike and Bruce was there for, for Richard, or whatever. But, we, we decided, and we said to one another, "We, we don't care what happens, and we don't care when they find us or how they find us, but they will find us and we will be in here and we will be alive", so that's the only thing you can do. And I, so I think the morale was quite good, yeah.

Q65 Good. And life jackets. What was the situation with those?

A We all had life jackets, yeah, we all had PFDs, yeah.

Q66 For the whole duration?

A Yeah, yeah.

Q67 No problem, not any problems with those?

A No problems at all, no. Except that it was rubbing the neck, but, you don't, you don't mind that.

Q68

A Yeah.

Q69 O.K. In relation to the little ties on the, on the flaps of the life raft - - -

A Yeah.

Q69 - - - what would you recommend would be a better system?

A I don't know. Maybe, maybe a little toggle system of elastics or something, Velcro even. I mean, Velcro would have been, been much better. Something that can

be, can be done up and watertight, not watertight, but weatherproof, and something that can be taken out quite easily. I just, for the life of me, I just don't even know why they would even think of putting ties in there, because if the raft tips up, you have to get outside and you can't be under the water untying it. You should just be able to rip it, or, or undo the toggles with the elastics and, and then, and then jump out and put it back in again. So, there's, I mean, I'm sure there's a, I'm not an engineer, but I'm sure there's a hundred other ways that you could do it.

Q70 O.K. Have you got any idea how far you drifted?

A Well, I, I know how far we drifted, but I didn't have any idea. Yeah, we drifted, it would have been seven miles.

Q71 O.K.

A Yeah.

Q72 All right. Now, as far as rescue's concerned. Do you want to describe that? You said about the aeroplanes arriving. What happened there?

A Yeah, O.K. Well, this is quite funny. The, the first time the plane arrived, we had the closed end of the raft pointing windward, so that we weren't getting the waves in, inside the raft. At this stage, we had the door open, just to circulate air and to also keep a look-out. The aircraft passed us on our starboard side of the raft, and we, we could only just hear the noise of the aircraft, and by the time it had come past, it

was almost too late to let a flare go, which we did anyway. We only had two flares. At this stage, we, we didn't know whether anybody was looking for us, and we didn't know about what had happened with all the other boats and we honestly didn't know whether there was even one search plane out for us. So, when we saw this aircraft, we thought it might have just been a charter plane flying past. So we put the flare up and the plane kept flying, obviously didn't see it. So, that was a bit disheartening. And then, wouldn't have been about half an hour later, we saw a plane coming back again. By this time, we'd got the flare out on time and we let the flare go, and, and we assume that he saw it because he continued on and then turned around. What I believe now is that he actually picked up our EPIRB which we'd lost about five hours before, which was floating behind us. So, we think they, they must have picked up the EPIRB. Now, they circled our craft quite a few times, but not actually acknowledging that they'd seen our craft, so we didn't actually know whether they saw us or not. They weren't circling close and, so anyway, the aeroplane flew around. I, I said to Richard, I said, "I bet that he's looking for our EPIRB, because he wouldn't be circling here for any other reason, and it doesn't look like he's seen us". So, he circled around, I think twice, and then took off, but with no acknowledgement that he'd seen us. Or at least what we thought would, you know, we thought he

might have rocked his wings or put some lights on or something. So, that was a bit disheartening as well, you know. We're thinking, oh, maybe he didn't see us, you know, maybe he hasn't seen us. So, it wasn't until I think the third pass when he came back out and he flew and apparently he flashed his lights at us or something. So, so, from then on, I'm pretty sure that, well, the first sighting was at 4 o'clock. We were picked up a little after 5.00, so I'm pretty sure that they despatched a helicopter as soon as they saw us which was just superb. The rescue couldn't have gone better. Those guys are just the salt of the earth. They're just, yeah, just fantastic. Wouldn't have been alive without them. Wouldn't have lasted another night.

Q73 So the winching went smoothly?

A Yeah, absolutely, yeah, yeah. But these guys are professionals, they are very good at what they do, yeah, yeah. Yeah, very good.

Q74 O.K. You were eventually brought back into Mallacoota, of course.

A Yes.

Q75 Have you got any criticisms or, you've obviously praised the rescue, any criticisms of the type, the way you were rescued?

A Not at all.

Q76 Not at all.

A Not at all. Nothing but praise for, for the people

here in Mallacoota, Red Cross and, and the ambos and the police and the, and the rescue guys. I mean, just fantastic, you know. You don't realise how good things are until you're on the wrong end of it.

Q77 All right. Tony, any questions?

SENIOR CONSTABLE BEAN

Q78 No. There might be one. Did you actually see the boat sink?

A Yeah, I did, yeah. Well, when I say I saw the boat sink, I, I only saw the last bit of it. I saw the hull under the water and I saw it when it was just at the top of the - - -

Q79 O.K. And you were somewhat clear of the boat at that stage?

A Yeah, I was actually in the raft, yeah.

Q80 O.K.

A Yeah. I was in the raft, yeah.

DETECTIVE SENIOR CONSTABLE MOSTARD

Q81 Do you know how long you spent in the raft?

A I thought it was, I, I think we jumped into the raft around about 4 o'clock. So, it must have been about 25 hours.

Q82 I think that just about covers it.

A Terrific.

Q83 There's a few questions I've got to ask you, just formal questions.

A Yeah.

Q84 Is there anything further you wish to say about the

matter?

A No.

Q85 Do you want to make a handwritten statement in relation to this matter?

A No.

Q86 All right. Have you answered the questions in this interview of your own free will?

A Yes, I have.

Q87 O.K. Has any threat, promise or inducement been held out to you to give the answers as recorded in this statement?

A No.

Q88 O.K, Paul, that's the end of it. The time now is 1.14 in the afternoon, PM, on the 29th of December. Thank you.

A O.K. Thanks very much.

INTERVIEW CONCLUDED