

SENIOR CONSTABLE UPSTON

Q1 This is an electronic recorded interview between Senior Constable David Upston of the New South Wales Water Police and Cecil George Quilkey on the 21st of the 7th, '99 at the Sydney Water Police. The time on my watch is now 7.49pm. And also present seated directly opposite me is Detective Senior Constable Gray from Bega Detectives. Cecil, Cec, as you like to be known as, for the purpose of the interview, could you please state your full name?

A Cecil George Quilkey.

Q2 And your date of birth?

A The 30th of the 5th, '36.

Q3 And your address?

A 10 Gannon Avenue, Dolls Point.

Q4 And your occupation?

A I'm a boat builder.

Q5 Right. Cec, as a boat builder what, what are your experiences as a boat builder and how you come about to be a boat builder?

A I was apprenticed with Lans Halversons and Sons when I was 14 and a half year old. Served my time with them for 5 years, which the apprenticeship was in those days and since then I've worked for myself as a boat builder in my company. I'm now 63 year old so - - -

Q6 So what, what, at what age did you, did you start your apprenticeship?

A I was 14 and a half year old.

Q7 O.K. So you've been doing it for some time. How many boats have you built?

A Oh - - -

Q8 Can you recall?

A No.

Q9 A, a guesstimate, how many boats - - -

A Well - - -

Q9 - - - do you think?

A - - - it'd be, it'd have to be 100 or so.

Q10 O.K.

A Of bigger ones. Of small ones - - -

Q11 Now what type of boats would they be? Are they timber boats - - -

A All timber.

Q12 All timber boats?

A Yeah.

Q13 And your apprenticeship was in building timber boats as well?

A Timber boats, yeah.

Q14 O.K. Have you built any other types of boats apart from the timber boats?

A No.

Q15 O.K.

A I, I had experience in, oh, I've built glass, fibreglass runabouts, I've built fibreglass moulds for, which I've taken off timber boats that I've built for production purposes.

Q16 Yes.

A But most of my experience has been in timber.

Q17 Right. And with, with that have you built any other, built any other timber boats in, in Sydney at all?

A What do you mean any other timber boats?

Q18 Right. Have you, have you worked with any other timber boat builders in Sydney?

A Oh, only the people that I employed.

Q19 Oh, O.K. So you, you've owned your own business?

A Yeah.

Q20 Right. Now - - -

A At one stage there I employed 17.

Q21 Right. Now are you aware of any other timber boat builders in Sydney?

A Oh, yeah, yeah, yeah.

Q22 How many would there be, do you think?

A Oh, there is quite a few but you know. There's fellows that I still associate with that I actually served my apprenticeship with, and sometimes we do work together if we get a big job and we need a hand, we ring each other up. Yeah. Yeah.

Q23 Who, who are some of those fellows that you work with?

A Kenny Gervins, also Peter Bracken.

Q24 And they're all well known boat builders in, in the Sydney region?

A Yeah. Yeah.

Q25 O.K. Now you've got some sailing experience as well, I understand - - -

A Yeah.

Q25 - - - from the conversation that we had earlier. What can you tell me about your sailing experience?

A Well, I've done, I've done five Hobart races. I've done a lot of ocean racing around Sydney. I've done Sydney to Lord Howe, Sydney to Noumea, Whitsundays, I've did a West Coast around Tasmania, sailed in Emerald Cups trials in Melbourne. I've had a fair bit of experience.

Q26 And you've sailed a number of Sydney to Hobart Yacht Races?

A Yeah.

Q27 How many Sydney to Hobarts have you done?

A About five.

Q28 O.K. Well just prior to going on, I'd firstly like to add for the purposes of transcription also that Senior Constable Gray and I, and as I explained to you earlier, are doing, are making inquiries into the 1998 Sydney to Hobart Yacht Race, and the unfortunate investigation into the, the six deaths. And Senior Constable Gray and I have been tasked by the Coroner to make inquiries in relation to a number of issues about the yacht race in particular.

Q29 Mmm.

A Now the reason why we've brought you here today is to talk to you about a particular boat and it's a timber boat, and the name of the vessel is Winston Churchill. Are you familiar with that vessel?

A I know the the vessel, yeah.

Q30 Have you in fact sailed on the vessel?

A No, I haven't.

Q31 Have you ever, do you know the present owner or the past owner of the vessel?

A Oh, not real closely but I did know him, yeah.

Q32 Right. Have you - - -

A I have, have met him, yeah.

Q33 You have met him?

A Mmm.

Q34 O.K. Now with that vessel we've been informed that it had some form of structural damage to the vessel. Now I'll show you a document here where it's a, a hand sketch with a date, 29/6/99 and some writing that appears to be a signature. Now also on that, on that document is two separate sketches. One showing a cross section and the other showing what appears to be a section looking down, O.K. Do you agree with that?

A Yes, I do, yeah.

Q35 O.K. On the top section of that document is the plan looking down of, of a bow of a vessel.

A That's right.

Q36 And you can see the words stem, planks and there is some other markings on that particular part of the drawing. We've been informed that on a portion of that vessel in this section here there's an oddity, something that wasn't quite right with the vessel. Now you can see here on the bottom part of this sketch on the same document there's a side view, where it shows

that there is some red ink marks, and it shows the words actually missing chalking - - -

DETECTIVE SENIOR CONSTABLE GRAY

Corking.

SENIOR CONSTABLE UPSTON

Q37 Sorry, missing corking, and also some paint cracking. Now from those, from that document what can you tell me about that, from what we have already discussed earlier prior to conducting the interview?

A Well, by, by the drawing there it's, with the plan section showing the stem and the planks and the, the line of the, of the planking. And then on this is obviously is the port side of the vessel, and, and believe it is the top of the garboard and the next two planks up that's been highlighted with the missing corking in it. It means that that vessel must be, if that's totally missing it means that vessel must have been working pretty severely at that point, which could be one of two things, maybe a fastening or something might have let go or she was a bit weary, I don't know. It's hard to tell from that but it's an obvious sign that when a vessel of this, of conventional plank style, especially if the corking falls out, that means there's got to be a lot of movement in that area, which then points to either fastening somewhere that's not held properly and, and would cause this problem, which is not unusual in this type of boat but it's, it

certainly shows you that there is something wrong there.

Q38 O.K. We've been informed in fact that the first three planks which could indicate to you the garboard plank, above the water line - - -

A Mmm.

Q38 - - - the garboard plank and two other planks above the water line, that gap in fact was indicative of an area where a pencil or a pen could be placed deep inside, so that the pen would in fact disappear inside the crack, or inside where the missing corking is.

A Mmm.

Q39 And in fact the paint cracking between the first three planks was running back for some distance, probably from memory 8 to 10 inches, sometimes up to 14 inches back from that rabbet line from the stem post. Have you got anything further that you could, that you feel that would assist me in, in, to say in relation to that, that sort of gap, and also we've been informed that the gap from the stem post to the first lot of, to the first, to the planks was in fact dark in colour. What would that indicate to you?

A Well if, if all, all the stopping's fallen out and if the corking has, well even if the corking was still there, could be discoloured by moisture, but because of the, the planks cracking, moving towards the aft of the boat, it means that those planks are working. Now this again not unusual in a conventional boat, but it means

that you'd have to be a bit wary of how good the fastenings are at that point.

Q40 O.K.

A The boat's got to be doing a fair bit of moving to actually have the corking just fall out like that, like that drawing says. Yeah, there's something a bit, you'd have to check your fastenings.

Q41 Right. What would - - -

A I would anyway, it's

Q42 What would cause that do you feel? What would be the cause of this?

A Oh well, that's usually caused while you're sailing, while it's under load and stress. Actually it's the stem of the boat, so the forestay is placing enormous loads on the stem, trying to bend it backwards, you've got your mast and if you were on a, a starboard tack for instance, that part of the boat would be under water and working, having a lot of pressures applied to it.

Q43 O.K. Now if I was to tell you that the Winston Churchill, the vessel in particular had new rigging, some 2 years ago, and that the vessel was used extensively in racing and, and you're telling me now that it's, it's not unusual for this, this to occur.

A No, it's not in a, in a, a conventional boat, especially of a boat of the age that that is. Sort of if, if it's had all new rigging put on it therefore everything would be to its maximum, probably more than

what it was on its original date. I don't know whether it was increased or what but the, the loads that would be on that boat would be really right to the max, yeah.

Q44 Do you feel with your experience that it'd be, it's a wise thing to, to re-rig a vessel with new modern stainless steel and aluminium to a vessel of this age?

A Well, on this we can argue a lot about whether it's right or wrong, it's what you want to get out of a boat. I don't know what sort of sails he had either. Modern sails create more problems than what the old cotton sails did, because they used to give. These modern sails, there's no give. So the loads are, on the vessels are, it's much more severe than what it used to be, in the and Kevlar and all these modern cloths, they just, it's like you've got a solid wall up, they're just driving you and the shape's sewn into them, it's not pulled into them and you certainly, you get maximum out of them, more than you used to out of the cotton sails, that's why they use them.

Q45 As a boat builder would it be something that you would do?

A Oh, yes, it's something that you do, but depending on the boat and its condition and how good it is. It's something you'd, you'd have to keep your eye on.

Q46 Mmm.

A Certainly - - -

Q47 So it's not unusual to, for this sort of thing to happen as long as the structural integrity of the vessel has been checked?

A That's right.

Q48 And, and everything appears to be rigid, and if there was anything that, that was either suspicious that should be removed and replaced?

A Yeah. And, and those are the sort of things that, the boat of that age, the, the biggest thing in all of it is their fastenings. And the planks get, they get water, they, and obviously she was planked with Huon pine, you know. It's magnificent timber which will see my lifetime out as well, but it's, your fastenings, it's not a, it's a soft timber and so fastenings can work and especially if a boat is working, you know, they elongate and, and, 'cause the planks once they move fore and aft in an exaggeration when the, the pressure's on it so this actually works on every fastening in the boat.

Q49 Right. Now getting back to this, this missing corking. What would indicate to you that if somebody was to see this at close range, close proximity if it was all, if it was dark or, or black looking inside, inside the gap?

A Well the thing that I, I, well, professionally if it was me I'd certainly have a look at it to see what's causing it.

Q50 Right. But if, if I said to you that I want you to come and have a look at the bow of my boat because there's a gap in the rabbet line and the rabbet line is, is the - - -

A Yeah.

Q50 - - - line that runs between the planks and the - - -

A Stem.

Q50 - - - and the stem, if it was, it's black, what would that indicate to you?

A Well it's, it would indicate that it's got water inside somewhere.

Q51 Would it indicate to you that the corking is missing?

A Well, it's hard to tell because you could look inside. It could have some corking still there, and because it was a hardwood stem and if water's getting directly to it it will stain and run and could cause discolouration to the cotton.

Q52 And the cotton is normally white?

A Yeah, yes.

Q53 And we spoke earlier about different types of corking.

A Ocam - - -

Q54 Yeah.

A - - - which is

Q55 How do you explain ocam?

A Ocam, which is a, it's a tard rope, what they call a tard rope and ocam, ocam's mainly used on hardwood.

Q56 So it's very unusual to use ocam on, on a, on a vessel made of, of Huon pine or - - -

A Oh well you see - - -

Q56 - - - or, or any other softwood?

A The planks would be cork with cotton on that boat, for sure.

Q57 Yeah.

A You, you might get ocam along the garboard plank, where, but I, I doubt it. May, maybe right along under the keel, under water they might have it but not up the stem, it's probably unusual, they'd probably have cotton.

Q58 O.K.

A But everybody's got their own ideas, it's just my ideas, of what I've been taught and the way we'd do it.

Q59 With, with the rabbet line, how is that normally filled?

A Well on, on the conventional boat like that, A, it's corked first - - -

Q60 Yes.

A - - - and then you fill it with, on that one they, they could use just ordinary corking putty which is an oil based, when I was a first apprenticed we used to cork with white made a mixture of it. I haven't done much corking after I left Halversons and in all the boats, 'cause I think in the conventional boats, I'd built a few early, but then I went into cold mould with a laminated construction which in timber is probably the best way to go. And I found there was no problems like you get with this, you eliminate all the chances

of working and leaking and, a much stronger and lighter boat.

Q61 O.K. Now we, we showed you some documents earlier, now I'd like Senior Constable Gray who's got the documents out again here, which are, are documents of interviews in which we took with the, the crew of the Winston Churchill. Now I'd just like you to have a look at those and in particular the areas that we spoke about before, which are marked with green sticky tabs and there are other areas which you may read through. I'd just like you to have a look at those and indicate to me your thoughts on what that particular person has said in the interview.

A Right. It says in one part here - - -

Q62 Yeah.

A - - - what they're talking about when the boat was thrown sideways. And with the boat over on the angle it was and sliding, naturally it would have been punched into the, into the wave, and the, and the water had blown this, the bulwarks - - -

Q63 I'll - - -

A - - - and - - -

Q64 I'll just stop you there. I'll just stop you there for one moment. What we've, what we've done for the, to aid what you're, you're going to explain to us and I, and I pre-empt what you're saying because I've read the document - - -

A Mmm.

Q64 - - - we've prepared a, a small paper hull - - -

A Mmm.

Q64 - - - right, and is, it's as close to what we can get for the time that we've got.

A Yes, fine.

Q65 And you've seen this, the, the paper model. Would you, would you like to use that to explain what this particular person in your thoughts has seen?

A Yeah. Well they've drawn this line around here, indicating like the deck line, O.K. And, and above that's the bulwarks. Now the boat has actually been turned like that and the impact, when it come down the pressure would have been on the inside of the bulwarks and it would have been literally trying to tear the boat outwards, which is, a boat of course is made to keep the pressure on a hull that way so the strength is that way but once it pulled that way it's tore the bulwarks off and apparently again the, the deck beams and everything are on the shelf which is just inside here.

Q66 Mmm.

A Once that started to pull that away it would've released the fastenings or what fixing if the, the impact was so great it's blown portholes in on this side, 'cause all the pressure was going, and then she's gone that way actually trying to tear the boat apart.

Q67 Right.

A That could have been the, once that, if that had broken and cracked that apart the boat then would be in a lot of strife because the, the damage that that would do would weaken the boat so badly because that's part of where the boat is all tied together that holds, no matter what conditions you are, that's the part that counts, that's where the most loads go. And, and again like while that's happening all the load is trying to, that's doing that, it's actually squeezing the boat.

Q68 Mmm.

A See, see that, that's exactly what happens, see, see that going out?

Q69 Yes.

A Right. So that goes like that, so you can imagine, you can see what this paper's on. See the way it's flexing?

Q70 yes.

A Well that's where these sections are.

Q71 Right.

A Now that's the loads that would incur at that point. Now - - -

Q72 Well just, just on that point there, as you've explained this is the, this is the deck line - - -

A Mmm.

Q72 - - - and you've got the bulwark coming up above the deck line - - -

A Mmm.

Q72 - - - - - and we assume, we imagine that there's a straight deck coming across here - - -

A Mmm.

Q72 - - - at that line or below that line. The vessel has rolled and moving down the wave, the wave is catching inside the bulwark, tearing the boat open basically.

A Basically, yeah.

Q73 Or attempting to, the, the force of the water is trying to, to tear the boat open - - -

A Mmm.

Q73 - - - squeezing the boat and causing these plankings here to want to open outwards.

A That's right.

Q74 Right.

A That's, that's the way the stresses would go.

Q75 Now looking back at our original document that we, we mentioned a minute ago do you believe if that was the case that, and what are your thoughts on this, that having seen this here and if that was the case prior to the boat going to sea, do you believe or what are your thoughts on the integrity of the vessel if that was seen prior to the vessel going in the race?

A To me, like there's, a few things could happen but it's all guess because no one will ever know. But if there was a weakness at that point and while ever that boat was on a starboard tack there'd be great chances that water would have been getting into that boat anyway through there for a start. Now if that boat had water

inside it and maybe if it got enough water inside it that doubles the damage that could be done once that boat rolled over, because it, it becomes, how you could say it, like you'd, you're dragging more weight through the water than what you should be and these planks above the deck if, if they went down the face of a wave like that I wouldn't know what you'd build to actually stop a thing like that. And if something broke, once something breaks well then it's just a, you know - - -

Q76 Mmm.

A - - - it just, it just, the whole vessel becomes weaker and weaker.

Q77 So hypothetically would it be fair to say that there's been an ingress of water at some time through here as a result of pounding or the boat making way through the water, then the vessel has been subject to a roll down the face of the wave and this being another weak point has possibly cause, caused the boat to just to break apart?

A Well - - -

Q78 Even from what you've read in the previous statement?

A With a with a roll like that, an action like that there'd be a great chance that you'd, if you sprung your garboard plank at that point which would be quite hypothetical that it could happen, there'd be no survive. It, it would just eventually go, you could, you wouldn't stop it.

Q79 And just explain the garboard plank?

A Well the garboard plank is the first plank from your keel.

Q80 O.K.

A And, and that, that of course is under great stress load anyway because of the, the mast and the mast step and all your floors, it's where the, the hull links to the, the keel which ties the boat together. The downward pressure's on that with your mast and your rigging again, it's all, all the boat is tied together to be strong, but once you break a link you take a ring of steel and you snap one point of it then you can open it up in your hands, and that's virtually what you do with a boat. One, once the structure or the main structure points are broken well then the, the weaknesses multiplies at 100 mile an hour.

Q81 Mmm.

A And if any more waves hit it well it's just a matter of, of time. You, you never, you'd never stop it.

Q82 That area there says that we've pointed out, those three planks which are indicated on this, on this drawing - - -

A Mmm.

Q82 - - - does that to you, on, on face value, indicate a weak point? Is it a natural weak point - - -

A Well - - -

Q82 - - - already?

A Well it's a part of the boat where on, on the old conventional built boat, a plank boat like that, it's probably one of the weaker points of the boat.

Q83 Right. So taking this to the extreme, we've got a number of scenarios here. The first scenario is missing putty - - -

A Yeah.

Q83 - - - but corking still in place.

A Mmm.

Q84 O.K. How would that, what would that indicate to you so far as problems? So we'll do it in three scenarios. The first scenario as I just said, would be putty missing but corking still in place. How would you rate that - - -

A Well - - -

Q84 - - - as a boat builder?

A Well as a boat builder I'd say you've got a problem.

Q85 O.K. Second scenario.

A Because there's too much movement there.

86 Too much movement, O.K. Second scenario is putty gone and corking gone. How would you rate that particular area of the boat now?

A That'd be worse.

Q87 O.K.

A That means it's, it's certainly moving too much, there's something - - -

Q88 O.K.

A amiss.

Q89 Sorry?

A There's something amiss if it's that bad.

Q90 Right. Third scenario would be putty gone, corking gone and possible water going into the, inside the boat.

A Well as I said - - -

Q91 How would you rate that?

A If, if it's leaking badly, it was leaking badly and if that's getting a lot of pressure and a lot of movement there'd be no doubt in the world that water would be going in there.

Q92 Right.

A And if there's water going in there and you're on a, as it is on the starboard tack and you're driving that boat that would be working overtime.

Q93 O.K.

A Especially if, if any fastenings had been, had let go or were suss or, yeah, you, you've got a problem.

Q94 O.K. Now on these three planks there's indications that there's paint cracking, only in those three planks. Does that indicate movement?

A Yeah.

Q95 Significant movement?

A Yeah.

Q96 O.K. Now the movement in this vessel, in these planks would that be a movement like that or a movement like that, longitudinal and - - -

A Well, they're, they're, it's a bit of both.

Q97 Right.

A Right. Because if, if, if the stem is flexing - - -

Q98 Mmm.

A - - - and the planks are going like that which they do
- - -

Q99 Yes.

A - - - you know like I mean it like, like my squeezing
my fingers, see, like, you'd get that movement, know
what I mean? Like it's no different. There, there's
my fingers going forward like up and - - -

Q100 We'll just get you to indicate - - -

A

Q100 - - - that again, whilst - - -

A Like there's the planks going forward. If I push on my
fingers - - -

Q101 So your, your fingers here being the planks?

A Yeah.

Q102 And so your small finger, your little finger being the
- - -

A The garboard.

Q102 - - - garboard plank - - -

A Right.

Q102 - - - and the planks running up.

A So if it comes back you can, you can see like it just
wants to open like that, it's just pushing it, so these
planks are actually doin' this and, and getting forced
backwards. No, that's, it's only a minute amount - -
-

Q103 Mmm.

A - - - but if that keeps going, like if, if it's working hard enough with that stem but it's blown all the corking out, all the putty out to that extent that what you've shown me, well then you've got a problem at that part of the boat.

Q104 Mmm.

A And probably if, if any fastenings in the area were weak and the thing was moving under great stress, which would be in a, the winds of those conditions, that would be a worry.

Q105 Mmm. So a scenario exists whereby that in fact, that putty and that corking could've fallen out because that, because of that movement? That's the case?

A Oh, that's, that's why it would've fallen out.

Q106 That's why it would've fallen out?

A Yeah.

Q107 O.K. It's not unusual though for this, on a, on a boat of that age and of that make to, for the paint to crack? You, you said earlier that after a boat's been in a race there's, there's no problems about coming back and having a look and seeing all the paint cracked?

A That's right.

Q108 Yeah.

A You're, you're doing a, a race, say in Montague Island or Island or something and you're getting - - -

Q109 Right.

A - - - into a blow and the, and a conventional plank, plank boat of this style is very unusual to come back and not, you can see every plank.

Q110 Right.

A And it could be just painted before you went but you have a good hard bash and when you come back you'll see every plank.

Q111 Mmm. So it's, that's, it's not unusual to see that. But in this particular instance I put it to you that the planks above the three, or the, the garboard plank and two others, right, was all in good condition from what I'm led to believe - - -

A Mmm.

Q111 - - - and it was only just in that area, so that would, would really stick in your mind that there's a problem. Is that correct?

A It would stick in my mind that there is a fastening problem in that area.

Q112 O.K. Sorry - - -

DETECTIVE SENIOR CONSTABLE GRAY

Go ahead.

SENIOR CONSTABLE UPSTON

Q113 Yeah. Now you're aware that this damage or this problem was seen prior to the race, this is on the day of the race?

A Well, I wasn't aware

Q114 O.K.

A Yeah. Yeah.

Q115 Well I tell you that in fact this was seen on the day of the race, the 26th of December, 1998.

A Mmm.

Q116 Now you as a boat builder, what would be your opinion about that prior to a race?

A Oh, if it was as bad as what they say there I'd, I'd be a little bit worried about it, yeah. I'd be worried -
- -

Q117 What would you do?

A I'd be worried about my fastenings, actually. Well, it's, it's what I'd do personally and what someone else would do is probably two different things.

Q118 If I owned that boat, hypothetically owned that boat and came and saw you about it and all you know is what we've told you, would you consider, I mean what, what advice would you give me? What professional advice?

A It's a long way to Hobart, and you get a problem down there you've got a problem, you're in big trouble.

Q119 O.K.

A That to me would be a problem, yeah.

Q120 But what would your advice be to me, apart from just saying there's a problem?

A Well, if it was me I'd take my sail back and go back up the club and have a beer.

Q121 You wouldn't enter - - -

A I'd watch it - - -

Q121 - - - the race?

A I'd watch it on television.

Q122 So what you're saying you wouldn't enter the race?

A Oh, not if it was as bad as that, no.

Q123 Yeah.

A I wouldn't. I wouldn't sail on that boat.

Q124 Right. We'll, we'll draw your attention now to some other documents that we've got tabbed off, where prior to the interview you were shown, and I'd like you to just peruse those documents and, and tell me what your thoughts are on those.

DETECTIVE SENIOR CONSTABLE GRAY

Q125 From there on basically.

A Just, just reading this, this one here, the document that you showed me on this thing, that's, virtually confirms what I said about the boat rolling and going down.

SENIOR CONSTABLE UPSTON

Q126 Do you want to read some of that, that out?

A It says here, the knock down had done a fair bit of damage to the lee side of the vessel. The leeward bulk and the and the leeward bulwarks in the vicinity of the chamber had been carried away. Now that, that again is because the water actually tore the boat outwards, which, which I explained before. And it says here the windows in the navigation cabin had been completely staved in on the lee side. Well, that's because the boat had been over that far, the water pressure on those windows would have been absolutely enormous, because you've got the whole weight of the boat sliding

down that wave and I wouldn't know how far under water it would've been but it would've been a long way so the pressure would've been enormous. And, and they'd just give away. They're made, most of those are, are certainly made strong enough to take a greenie over the top in a normal state of affairs, but this is not normal. And, and again what I said to you before about the sprung plank is exactly what this bloke says here. A sprung plank or maybe the mast pushed the bottom of the boat, or Well again what I explained to you before was if the mast was pushing down at this part of the, if that, that's the mast pushing down and what we have in this part of the boat is what they call a mast step.

Q127 Mmm.

A Which is a longitudinal hunk of timber which, we have floors going this way and then the longitudinal mast step. And that mast is captivated in a mast at the bottom. Now if the deflection of that mast's going down the first plank that would spring would be the garboards. Now if that garboard, as you got on that original drawing where you, I told you there'd be the fastenings, that would be my worry, it would be the fastenings in this garboard plank. Now if that was already weakened and you cop that sort of load I'd be amazed if that garboard plank didn't let go. And once the first fastenings broke or had sprung, the water

pressure would just rip it, it'd be like tearing a zipper.

Q128 Mmm.

A And it'd, it would just open up because you, you've only got a, the rabbit line continues like down the stem and along here. Now that link there is only a, probably in the hull itself was, it's probably only sitting in about 2 inches and, and then it's relying on fastenings, so you know, after it's, especially if it done this and come up you just wouldn't know what would happen then, 'cause the weakness is gone, the boat's become weak and it's lost its strength because all its ties are gone.

Q129 All right, Cec. If I could hold you there for the moment. The time on my watch is now 8.32pm. This interview is suspended for a tape change.

INTERVIEW SUSPENDED

INTERVIEW RESUMED

SENIOR CONSTABLE UPSTON

Q130 The interview between Upston and Quilkey has resumed. The time on my watch is now 8.35pm. Now Cec, we discussed prior to the tape change, an interview that took place between Detective Senior Constable Gray and myself with another person, and in fact that person for your information was a crew member on the Winston Churchill, and they, what you're reading are his observations. Now I'll show you another document which in fact is from another crew member on the Winston

Churchill. And in fact these are his observations of what occurred at the time of the rollover. Now I'd just like you to take some time in reading those observations and, and giving me your professional opinion on what you believe happened.

DETECTIVE SENIOR CONSTABLE GRAY

Q131 From there on.

A Well, again what, what it says there is what I was describing when that boat was heeled over to the angle they said. The, the water force was actually ripping the, the bulwark section outwards, and that sort of coincides with what this gentleman has said here. I don't know how you'd measure the, the water forces in that position but it'd be enormous and, and 'cause the, the planking has no support going out, only just the fastenings it, it would tend to rip them off, and also those sections there had a cap and, and the tracks for the They, they wouldn't have added any strength. They would've just gone 'cause it's, the water force was in that direction. And also when he says they were taking water, when they right themselves, that again sort of comes into the factor that I'd say that they'd sprung a plank, most likely the garboard or any plank in that area could've gone, but it'd be, it would've been most likely the garboard, I'd say with that sort of

SENIOR CONSTABLE UPSTON

Q132 O.K. All right. I'll just now show you another document that Senior Constable Gray's prepared and it's been tabbed. If you can read sections of that and, and give your opinion on what that person has, has witnessed.

DETECTIVE SENIOR CONSTABLE GRAY

Q133 Just that area there.

A Well, well, again you know, like it's, as he says there on that document the damage from the, from the wave, the thing had been ripped open, something had let go below and she was taking water. So it, in that side of the boat, I'd be amazed if it wasn't along the sections where I said, because that's probably the, the weakest part.

SENIOR CONSTABLE UPSTON

Q134 What sections are you talking about?

A Where the, where the planking and the, and the rabbet line go together, on the garboard plank. It's, after it's been through that tremendous knock-down and as I said it's, some of the riggings let go and the caps have been torn out, well I don't know how the rigging, how the caps were attached on that boat.

Q135 And the caps are - - -

A The main caps.

Q135 - - - the lines coming down - - -

A The shrouds.

Q135 - - - from - - -

A The main shrouds off the mast so you - - -

Q136 From the top of the mast down to the deck?

A So, deck or, and the you got forward, and I'm sure that boat would have fore and aft and you know once, once they go, if they get ripped down like that you're in trouble anyway but the water damage below, she's probably sprung planks. She might've sprung more than one, she might've sprung three or four.

Q137 So that's your professional opinion after, after reading the documents that we've shown you there, are actual accounts from witnesses on board the Winston Churchill as she was sinking?

A Well, yeah, professionally well I've, I've actually been involved in boating all my life. No one was, you know, I was pretty upset about the whole thing when you, especially when blokes lose lives you're, it's a great sport and we go in it for, for a lot of fun and, and a great time and we know you get out there and you get into a big blow and, and you do everything in your power to make it, you come through it, you don't go out there to kill yourself, and, but that sea's a pretty good master and if you think you can beat it, it'll get you.

Q138 O.K. So - - -

A So you should always go out in a boat that's, to your knowledge, absolutely perfect.

Q139 And, and being sound?

A Very sound.

Q140 O.K. Hypothetically if the rabbet line here didn't have the gap in it and the corking was all in place and the, and the paint wasn't cracked around where we show it is and the vessel for all intents or purposes was sound and in good order, the rigging even though new -
- -

A Mmm.

Q140 - - - everything was structurally sound underneath, all the, all the decks, the planks, all the, all the fittings were, were in good order, the vessel received the knock like it did - - -

A Yeah.

Q140 - - - and was still pushed in the same direction as it was, do you feel that the vessel wouldn't have sustained as much damage as possibly has been reported by their witnesses? That's hypothetically, I understand.

A Hypothetically. If that boat could've been perfectly sound and copped that knock and if it ripped the bulwarks out and broke the joint, the shelf joint with the deck and pulled out the, I think it says, it didn't say which it just, I think it says it just pulled out a, one of the chain plates or something, if, if that happened and it was a conventional plank boat I, I believe you would have to have sustained some sort of damage, not just where it is in. I'd say it could've been in good condition, but how good can you say that boat is as old as it is? There's only got to

be two or three fastenings let go and let that plank give that little weaver of an opening and it's just like driving in a wedge with that sort of pressure, it would just open you up. Like the pressure of that sea, phew, I know I've been there and you know it's like when you go over the side sometimes or, and you're hanging onto a rope and you, you can see the daylight above your head and you say I've got to hang on til you come up.

Q141 Mmm.

A It's a, it's a real scary thing. So the boats, the pressure those take is just unbelievable, and in those sort of seas they, they, you can do a lot of damage and, and as I said if one thing lets go, especially one of the main tie section members, chain plates and bulwarks get ripped off the shelf would have been torn and the deck probably popped, you just lost, you know, three-quarters of your strength and then anything can go then.

Q142 Mmm.

A Yeah. I don't know how you could professionally say which way it would go exactly. You'd have your theories 'cause you know when you put them together and, over the many years, and the boat should work on when they have problems, it's always usually in the same similar areas 'cause they become the weak points. 'Cause they're the stress points where all these things happen.

Q143 Mmm.

A And, and over the years I've worked on many of the old conventional boats and the modern boats, but they're, they are the areas that are most vulnerable to major damage and work areas like the stems and, you know, especially, as I said I, I don't know exactly how that boat was built stem and keel and hull join together, that I don't know. Some blokes do it different to others but in general you're taught the similar way and, and, you know, but they are the weak points of a boat, for sure.

DETECTIVE SENIOR CONSTABLE GRAY

Q144 O.K. Was it fair to say then in the question that Senior Constable Upston asked you, having a situation like this wouldn't assist you?

A Wouldn't assist me in what?

Q145 Well, in, Senior Constable Upston asked you about if, if the boat was in good condition - - -

A Yeah.

Q145 - - - and suffered the same rollover - - -

A Yeah.

Q145 - - - you're unable to determine, which is a, you know, a reasonable thing to say, you, you're unable to determine would the same things happen.

A Mmm.

Q146 But what I'm saying here is with this problem recognised, that certainly wouldn't assist your cause would it?

A No.

Q147 The boat's cause?

A No, it wouldn't.

Q148 It wouldn't assist?

A It certainly wouldn't. If that was a weak point that would go.

Q149 Right. O.K.

A If there was a problem there that would certainly under those stresses would probably pop.

Q150 Right. O.K. Now you mentioned previously that, that a boat owned by Ian Keenan - - -

A Mmm.

Q150 - - - was that a similar type, a wooden boat?

A

Q151 O.K.

A Except that boat had been splined.

Q152 Right. What does that mean?

A All planks were splined bar the garboard.

Q153 All right.

A Now spline is, you actually sort of, where the planks butt together you have a sort of a V.

Q154 Yeah.

A In, where you put your corking, in, right?

Q155 Yeah.

A So when you spline it and when, when a boat's, well in the old days you, they didn't have the, the glues that we've got today, but what you do is you run what they

call a spline saw down there, which makes a nice deep V all the way along the plank.

Q156 Yeah.

A And then you, you glue in a, a wedge, all the way along the seams with epoxy.

Q157 Right.

A And again you've got to be careful when you do that too. This is what you can say about lots of things but, and when the glue's on you clean it off so you don't have the cork joint, so you don't have any corking.

Q158 Oh, O.K.

A Right? The only corking you do then, have then is down the stem - - -

Q159 Yeah.

A - - - and along the garboard plank.

Q160 Right.

A Exactly what I'm saying before. I, I rebuilt Maris, don't ask me what year, it was a long time ago. It got wrecked at Coffs Harbour in a storm. Actually a gale blew up and it broke its mooring, hit the breakwater, the rocks - - -

Q161 Yeah.

A - - - and the crew, it had a big hole in it, they turned around it, and they drove it straight back to the beach and they beached it. Unfortunately it, I've got photos of that actually, the westerly gale abated of course and then the swell come in which, from, and

well as you know it pushes the sea, then back she come, so there was an enormous swell in the, in Coffs Harbour itself and probably 10 to 12 foot waves were smashing over the boat. The insurance company rang me to fly up to Coffs Harbour and I, I spoke to Ian on the phone and told him, Don't touch the boat til I get there, just leave it there. But unfortunately by the time I got there all the locals decided they'd do the right thing and drag it out of the water so they put a steel cable around it and got a D10 dozer and started to track it down to the, and just about chopped the boat in half with the steel cable, 'cause it just kept chopping through the ribs and the, the planks and, so we got the boat out of the water and Captain Berger, the assessor from the insurance company was there and I, I put it together on the wharf and sort of made a cross, it was nearly chopped in half and I, I just said to Ian, Like really you could build a new one for the cost of repair for this now, and write her off. And he just said, If you rebuild it would it be as good as ever? And I said, Oh, yeah, yeah, probably better actually. And this Tasman Sea and as I noticed there was one of those things you showed me about Alan Paine and he certainly built them strong. And his comments are true, what he said. We bought her back to my boat shed and we rebuilt the boat, only this time, well it was corked before and I splined it, Jock Muir from Tasmania sent me up a load of Huon pine and I did the sort of,

the aft hull, the sections, I totally laminated where before they used to be just blocks of wood all bolted together with stopwaters. I did away with all that and planked it, now that boat's still going today, but that's sort of like from the old to the new.

Q162 Yeah.

A And we, we rode out a cyclone in that boat, Ian and myself and Jack Irwin and his grandson and that boat come through it fine. You know, that's, again we didn't, yeah, we were rolled over and we suffered all that sort of thing but we, we come through it O.K. So that's just the luck of the game, I think.

Q163 Yeah.

A But - - -

Q164 But certainly - - -

A - - - probably a lot better condition than what Winston Churchill would've been.

Q165 Yeah. O.K. Now when you talk about fastenings - - -

A Mmm.

Q165 - - - can you explain those to us and what type of fastenings are available?

A Oh well, probably the original fastenings in that boat would have been a bronze, probably screws in there, and she'd probably be, it was copper nailed and nailed and roped I'd say, which all, all the good boats were built with the copper nail and rope and, and, and I know this boat's had a refit but whether all the fastenings were renewed or checked, because one of, one of the sections

of fastenings which create a lot of problem which a lot of blokes don't think about is, you've got a Huon pine plank and you're screwing into a hardwood stem and section, you get an oxidisation from the hardwood and the material.

Q166 Mmm.

A And it actually does eat the fastening away. It makes it weak, and the same with copper nails, they'll - - -

Q167 Is that a quick process?

A No, no.

Q168 Right.

A It takes many years.

Q169 Right.

A But they become chalky and - - -

Q170 Mmm.

A - - - and they lose their strength.

Q171 Mmm.

A And so, you know, that's what I say when I look at that drawing, there's, were they, were the fastenings starting to weaken and let the planks move more than they should - - -

Q172 Mmm.

A - - - and that would create that problem.

Q173 O.K. Now you mentioned earlier about the stem.

A Yeah.

Q174 That it's, it, it's a stressful, it's a stressful point in the construction of the boat. Is that correct?

A Yeah.

Q175 Now could you explain that to us? I mean why is it a stressful position? Is it because it has a, has - - -

A Well the forestay comes off the stem. Again we'll take our wooden, wooden yacht, and we've got our, our mast up near the centre.

Q176 Yes.

A And you have your forestay.

Q177 Yes.

A And you've got your backstay.

Q178 Yeah.

A And I think somewhere, in one of those things I read gone to dual backstays or they might have been runners. I don't know .

Q179 Right.

A But when, when, and the, and the caps of course come down from there and the Now this, the tension on the forestay is very, very heavy and the backstay, so actually what you're trying to do is do that, know what I mean? You can see - - -

Q180 Yes.

A That's what's happening. You're, you're pulling at this point and you're pulling down the back and the, the boat actually wants to bend.

Q181 Right.

A That's in exaggeration what it is doing.

Q182 Yes.

A And again well you've got, your planks come out here. When that's doing that you can see that, this moving in there.

Q183 Yes.

A Well that's what your planks want to do, so you've got this movement there. So your fastenings, if there's any nail weariness as we call it in your fastenings, the plank instead of being held, 'cause timber is very flexible. It will move and come back again for 100 years.

Q184 Yeah.

A But the fastenings won't. They, they'll eventually, and sometimes a fastening will in exaggeration elongate the hole by, it might be a, a 9 gauge or 10 gauge or whatever gauge fastening, after a while you might have to go up another gauge or 2 gauges to tighten that hole if - - -

Q185 Yeah.

A - - - if gets nail weary.

Q186 Right.

A And the same with the fastenings in the stem. If, if, if they start to become weary and a couple of them do actually break well then the movement, the loads are put onto the next fastening and so it goes on. It's like a zipper. If a couple of them go well then you've got a real problem.

Q187 Mmm.

A And, and that quite often happens in the old conventional type boat, it's, you'll soon come up on, actually I looked at one yesterday for a fellow, very conventional old type of a boat and his fastenings in a lot of places were corroded badly, there were a couple of bad leaks and it's because the fastening had let, just gone, it, it'd snapped.

Q188 Mmm.

A And I'm giving him advice how to fix it. But again that was an old boat and the planks were softer than what they were 30 years ago so they're pulling a lot easier 'cause the plank's not as strong. But again I, I believe this boat had had a re-fit a few years ago but what they did I don't know.

Q189 So is it fair to say that there was a combination of things happening on that boat so far as rigging, stresses and strains, sails which don't give in winds and those conditions, missing corking, paint cracking in, in three planks, so would you say in your professional opinion that there's a, there's a combination of things which just aren't going right on that boat?

A Well - - -

Q190

A I'd say that a combination of those things could - - -

Q191 Mmm.

A - - - create a problem, but it's pretty, you know, like I wasn't out there this year.

Q192 Mmm.

A So you know, you can sort of, and I'm quite happy to say I'm glad I wasn't. I've said I've, I've done my last Hobart. It gets too cold down there anyway. I'd rather go north. It's, yeah. The, the boat, I, I believe it's just the exceptional circumstances and the way it got rolled. If it had a weakness well the sea found it out.

Q193 Mmm.

A The unfortunate that it, it cost lives.

Q194 O.K. So Cec, just basically, and I know we may have crossed this a number of times to sum up, you feel that from what we've showed you today with the corking missing, the damage, we'll call it damage for want of a better word, to the boat, and the way that you've read witness, eye witness statements that were on board the boat, the way it broke up, but certainly the integrity of that boat would have been compromised from that damage?

A To some degree.

Q195 To some degree?

A Well, it could've been the cause of it, you wouldn't know. But if, if, if it was taking water and, with a weakness like that it wouldn't take long to start taking water. And, and of course if you get any reasonable amount of water inside the boat, as well as what's on the outside and the boat does become slightly sluggish at all, and in those conditions you'd probably

hardly noticed how sluggish it was becoming until it felt like a, like there, at one stage there they just felt that the boat was going down, they, they could feel it getting lower.

Q196 That was prior to the rollover.

A No, but I'm saying if, if it had been leaking before this and it was gradually taking water and water - - -

Q197 O.K.

A - - - in those conditions, and no one was sort of, they were probably all trying to have their rest and do the rest of it, and then the big one hit them - - -

Q198 Mmm.

A - - - if it had water inside it before it certainly wouldn't help it.

SENIOR CONSTABLE UPSTON

Q199 O.K. All right. Cec, is there anything that you can add now to this, this interview that you feel that could help Senior Constable Gray and myself in our inquiries, as, especially in relation to the Winston Churchill?

A Oh well, as I say it's, it's a, a tragedy that it happened, it is, is that I think something that someone's always got to be wary of and, and I used to always tell my fellows what you've got to learn, and learn how to built a boat properly is to sail in a Hobart race and get into some real terrible conditions and then you'll make sure that you do it properly. And if, because if there's a weakness at all in a boat, a

good blow in Bass Strait will find it, that's for sure. And, you know, if that had that weakness, that could've been the start of it. It certainly, it certainly wasn't a, a trivial thing. If, if, if that was, has in that drawing was true, that would certainly be a, it'd be a worry for me, well it wouldn't be a worry, I wouldn't, I wouldn't go on a boat if it was in that condition.

Q200 I'm sorry? You - - -

A If I, personally as a boat builder if I had that problem I would not go on that boat - - -

Q201 Mmm.

A - - - unless I could fix it first, and check out what was wrong. Because it's just amazing. And as I've said I've sailed there in '83 and that, in the big blows and phew, you know - - -

Q202 Mmm.

A - - - I've been in those seas and those conditions and even with Ian Keenan and, in Maris and you, you just, you just don't chance it. I don't. Oh well, that's my opinion.

Q203 Yeah. No, that's fine. That's fine.

A I wouldn't chance it.

Q204 O.K. Senior Constable Gray, is there anything you feel you'd like to add?

DETECTIVE SENIOR CONSTABLE GRAY

No.

SENIOR CONSTABLE UPSTON

Q205 All right. Thanks, Cec. The, the time on my watch is
now 9.07pm. This interview is now concluded.

INTERVIEW CONCLUDED