

DETECTIVE SENIOR CONSTABLE GRAY

Q1 - - - record of interview between Detective Senior Constable Stewart Gray and Mr Tony Guy at the Eden Police Station, on Monday, the 28th of December, 1998. Also present seated to my left is Detective Senior Constable Jason Stevenson. Do you agree, Mr Guy, that the time by my watch is about 1.15pm.

A It certainly is, yes.

Q2 O.K. As we explained to you, Detective Stevenson and I are making inquiries in relation to the vessel, Business Post Naiad, I believe it is?

A That's correct.

Q3 Which capsized some 40, 50 nautical miles off the eastern - - -

A That's right.

Q3 - - - coast of New South Wales, which occurred sometime yesterday. What I'm going to do is ask you some questions in relation to what occurred and in relation to the accident and my questions and your answers will be recorded on the three audio tapes as the interview takes place. Do you understand that?

A I certainly do.

Q4 And just prior to asking you the questions and you telling us what happened, I'd just like you to have a look at paragraph one here which I've just placed in front of you. If you could just read that to yourself.

A Yep.

Q5 O.K. And also for the record could you please state

your age?

A 32 years old.

Q6 O.K. Now, also for the record could you please state your full name?

A Tony Andrew Guy.

Q7 Your date of birth?

A 21st of the 10th, '66.

Q8 And your current address?

A Number 1 French Street in Launceston.

Q9 O.K. And are you currently employed?

A Yes.

Q10 O.K. What sort of work do you do?

A Self-employed builder.

Q11 O.K. If I could just take you back to, as I explained to you prior to the interview what I'll do is just basically get you to cover from, basically the time you left Sydney to the rescue today, in your own words, and if there's anything that I want to clarify I'll just ask you as go along or at the end. O.K. So if I take you back to when the race started could you just tell me what happened in relation to, from the beginning to being rescued today?

A Basically, we went up Sydney Harbour and down the coast for quite, quite a 200 and something miles, then we went into a with the spinnaker up most of the time and then the wind come round towards the south and the west and went harder and harder, the wind blew harder and harder and harder and at one

stage, well, the stage we rolled the boat the first time, we had no sails on at all, we just got rolled over by a wave, that's O.K, lost the mast, no-one was injured, we had four guys over the side but they were all attached so that was good and we put the mast back on board and then that was at about, say roughly between 5.00 and 6.00 yesterday afternoon and then from there we motored, heading back towards Gabo Island pretty big seas and then about 11.00 we rolled the boat, there was Rob Matthews and Phil Skeggs on deck, the rest were below and rolled the boat completely upside down, and the boat was stuck upside down for about five minutes with seven of the crew inside and Rob and Phil outside, Rob, Rob managed to undo his harness and got free of the boat and Phil couldn't undo his harness and was under water for that period of time until the boat was knocked by another wave and rolled up the right way and, and, at the time I didn't know that there was a drama with Phil and I was down below, had about two foot of water in the boat, and not long after we got back up on our feet, we, other boat slipped, slipped right way, my Uncle Bruce, he had a heart attack, so.

Q12 Right.

A What I didn't actually realise at the time but he actually what he was doing, I don't know what he was doing, then a couple of minutes I knew, I knew to what was going on, then

someone from up on deck said, "Does anyone down below know CPR?" and they'd found Phil sort of hanging over the rail and at that time, we sort of, well there was a few of us down there, there was myself, Steve Walker, Jim Rogers and Bruce were down there in our immediate area, I don't know who else was there, there must have been someone else there as well, but they weren't with us at the particular time of the boat, so, and basically Phil had already, was already dead when he, when the boat turned back up the right way, so, and Bruce was about to go up on deck and we just sort of held him down below just for a minute, just to, like just to settle things down a bit and then all of a sudden he just went into convulsions. basically as it happened, then we, we lost the motor at this stage, we had, we had hanging of the bow of the boat, helm hard over, locked, tied and put the spinnaker over the bow just to hold the boat into the wind, so we wouldn't get rolled again and we got lifted off this morning by helicopter.

Q13 O.K. And where were you approximately when you got lifted off this morning?

A I would reckon probably about 60 miles out of Gabo.

Q14

A it was a long way, we were, we were about, I believe, about 25 miles when we got rolled the second time, around about the 40 when we rolled the first time.

Q15 And can you give me the names of the crew when you left Sydney?

A Bruce Guy, Tony Guy, that's me, Steve Walker, Peter Keats, Phil Skeggs, Rob Matthews, who else was there, Shayne Hansen, Matthew Sherriff.

Q16

A

Q17

A Yeah.

Q18 Now how much sailing experience have you got?

A I've been sailing since I was five so that's about 27 years.

Q19 O.K. and how many Sydney to Hobart races have you been in before?

A This is the second one.

Q20 Right. O.K. Obviously you went last year, did you or -

A No, four years ago.

Q21 O.K. Can you tell me who the owner of the boat is?

A Bruce Guy.

Q22 Bruce Guy. O.K. And can you tell me the size and the dimensions of the boat?

A It's a Farr 40 racing yacht, very strongly built. It's 40 foot long, six and a half tonne, about 14 foot wide and, yeah, so, that's basically it.

Q23 And what sort of, what's the recommended racing crew for a Sydney to Hobart on that yacht?

A On that yacht, between, between nine and 10.

Q24 O.K.

A I think we had 9, so -

Q25 O.K. Now, what was the condition of the yacht, everything was fine when you left Sydney?

A Absolutely pristine, yeah.

Q26 O.K.

A Perfect.

Q27 You mentioned before that there was some of the crew in harnesses, is that correct?

A When we rolled it the first time?

Q28 Yeah.

A There was four crew on deck and we all had harnesses on.

Q29 Can you just describe to me how the harnesses work or what they're for?

A They're like a piece of webbing, come around your waist with an adjustable buckle on the waist with two straps running from, running from that band over your shoulders, on the front in the middle of your chest there's a strong point stainless steel which has a we call it, a piece of, another piece of seatbelt material with a clip on each end about, probably five or six foot long, and so what the guys would have been doing, like when the boat went upside down would have been, they were stuck under the boat, they would've been trying to unclip their clips, to get, so they could get free of the boat, 'cause the boat was holding, holding them under, so, that's the

way they work. Sometimes there's too much pressure on them to actually release them.

Q30 O.K. Had the locking mechanism, sorry, mechanism that closes the harness together is that a normal standard seatbelt type, is it?

A No, no, it's, it's a latch, it's an approved standards latch.

Q31 Right. And how's that released by, just by pulling something or pushing something?

A You've just got to put your finger in it and just release it.

Q32 Right.

A But sometimes with a lot of pressure on it and plus under the water the - - -

Q33

A - - -

Q34 Yeah, that's right.

A As you can well imagine.

Q35 O.K. Now, these devices are used obviously for sailing in, in rough seas to avoid being tossed off a boat?

A Yes.

Q36 O.K.

A Or they can also work to your detriment as we found, so -

Q37 All right. O.K. Now when the boat rolled the first time was that night time, did you say?

A No, that was about between 5.00 and 6.00, late afternoon, yeah, so -

Q38 O.K.

A Then we lost the rig when we first rolled so -

Q39

A Mast.

Q40 Mast

A Yep. We had no sails on at that time so -

Q41 You had no sails on?

A Just the fact, like, rolling completely a 360 degrees through the water just wiped the rig out.

Q42 Right. And when you say it rolled 360 did it go nose - - -

A No, sideways.

Q43 Sideways. Sideways roll. O.K. Now was any, how many people were under the boat on that particular -?

A I think there was four on deck at the time, all in harnesses and the other five were down below.

Q44 O.K. How long did it stay - - -

A

Q45 It just rolled right over.

A Completely over and straight back up on its feet.

Q46 Did anybody receive any injuries as a result of that?

A Minimal.

Q47 O.K.

A Bruises, slight bruises and slight cuts but nothing of any consequence at all.

Q48 All right. Now, is it the situation that if you go into rough seas that a certain number of the crew stay on, stay up and the rest go below?

A Yeah, it can be, yeah. At that particular time we just pulled all our sails off and it just so happened that there was, we normally run with four on deck.

Q49 Right.

A Two shifts of four and we had the 9th guy in the crew, he's the navigator and the, the cook.

Q50 Right.

A So, he doesn't sort of come and join us that much.

Q51 O.K.

A Of our watches unless it's a nice day or whatever, he may be on deck and give you a hand somewhere along the line

Q52 Now, when you lock up in heavy seas, like, when you secure the boat, is that a watertight situation?

A Reasonably, yes.

Q53 Reasonably.

A Yep.

Q54 O.K. Now, the, the names of the two deceased were Mr Matthews and Mr Skeggs, is that correct?

A No, Mr Guy.

Q55 Mr Guy. Mr Bruce Guy.

A Bruce Guy, yes.

Q56 And the other -?

A And Phil Skeggs.

Q57 Phil Skeggs. Now you said that Mr Skeggs was caught in his harness, that's correct?

A That's right, yes.

Q58 Now, you also mentioned that Mr Guy, Bruce Guy, he

suffered a heart attack, is that correct?

A He was on the inside of the boat.

Q59 Right. He, he was inside the boat?

A He was inside the boat, yeah.

Q60 Right.

A There was two on deck, there was Rob Matthews and Phil on deck and the other seven us were all down below.

Q61 Right. O.K. Does he have a history of any coronary problems at all?

A None whatsoever.

Q62 And how - - -

A To my knowledge.

Q63 Sorry?

A To my knowledge, no.

Q64 O.K. And how old was he?

A He'd be 52.

Q65 O.K.

A Roughly.

Q66 And when you were in the boat battened down so to speak, what's the set up within the boat so far as safety harnesses or -?

A If you're inside, nothing at all.

Q67 Nothing at all.

A Nothing.

Q68 Brace up as best you can and -

A Well, everyone was in a bunch pretty well, so -

Q69 All right.

A And, yeah, pretty well secure anyway when you don't

..... normally we got, they call them
leecloths, we all just lock yourself into, you can't
fall out unless, unless you're turned upside down
.....

Q70 Right.

A You can't avoid that.

Q71 So, is it usual for a boat like this that when it does
capsize it rights itself.

A Yeah.

Q72 Automatically?

A Yep.

Q73 O.K. And it's due to the keel is it or what -?

A Yeah, there's about three and a half tonne of lead sort
of sticking up in the air.

Q74 Right.

A And it -

Q75 What's the normal, I don't know whether you can say
this but what's the normal length of time that she'd
stay capsized before she comes up again?

A I wouldn't know, the first time I've ever been in that
situation but it seemed like an eternity the boat was
upside down and it actually, the boat was just sitting
dead flat in the water and the next wave come along and
just rolled her over, whether it was the next wave or
next second wave I wouldn't know I was upside down in
the middle of the night.

Q76 O.K. Yep.

A And - - -

Q77 On the first occasion the boat rolled how long do you think you would've been, how long would it have taken for it roll and then right itself. Seconds?

A Yes, seconds, maximum 20 seconds.

Q78 O.K. And the second time, now do you recall what time this happened, the second - - -

A Around about 11.00-ish I believe.

Q79 That's last night.

A Last night

Q80 O.K.

A but around about that sort of time.

Q81 Right. Now when she rolled the second time were you able to say how long she was - - -

A Very hard to say, one of the guys did sort of say four or five minutes - - -

Q82 Right. You wouldn't know?

A It was a total blur, in the middle of this blackness and there's sort of things happening everywhere, it just, yeah, so -

Q83 Any lighting in the cabin when the boat was - - -

A We'd lost all power.

Q84 Lost all power.

A Yep.

Q85 O.K. Do you recall where Bruce was seated prior to the capsizing?

A Yep. He was, he was in a bunk directly below, he was actually laying on the floor directly below me.

Q86 O.K.

A I was at, sort of like just got two-tiered bunks - - -
Q87 Yep.
A - - - in the boat and he was laying on the floor at the
bottom of the tiered bunk, so, he was virtually, there
was him there and there, I don't think there was anyone
in that bunk and then there, I, I was up on the top
one.
Q88 So, was he just on the deck is he?
A On the floor of the boat.
Q89 On the floor.
A On the inside of the hull, yep.
Q90 Was there any security for him so far as being sort of
held in.
A He just braced, he just braced himself.
Q91 Braced himself.
A But there's not much room, it's only about that wide
and it's sort of you
can't really brace yourself for complete inversions.
Q92 O.K. So when the boat righted itself did you get power
back or did you have emergency power or -?
A No, none at all, just, just torches, yep.
Q93 O.K. Who was it who, who found Bruce?
A We were actually there, there was myself and Jim
Rogers, Steve Walker, in the main cabin - - -
Q94 Yep.
A - - - and we were just sort of seeing what was going on
up there, well, I was poking my head out through the
hatch to see what was sort of roughly bits

and pieces everywhere and Guy's jumped back down the boat and to make sure two foot of water at least inside the boat.

Q95 Right.

A And, and that's when Bruce had his, had his attack.

Q96 O.K. Was he, I mean was he standing or sitting when he had his heart attack or -?

A No, he was laying down, he was laying down floating in the water, Steve

Q97 O.K.

A Steve, Steve was actually holding him because Steve twigged, because I was actually more concerned on what was going on outside, because I didn't know there was anything wrong with Bruce at this stage.

Q98 Yep.

A The fact that Steve was holding him - - -

Q99 Yep.

A - - - well he just sort of grabbed him - - -

Q100 Yep.

A - - - when he started doing things and Steve was sitting on the bunk up to here in water and Steve supported him, tried to pull, he said to me later, he said he tried to pull his tongue out of his, out of his mouth and he had false teeth so he tried to take them out as well.

Q101 Yep.

A Or he did take them out and it was just so

Q102 Yeah. Did anybody start cardiac massage or - - -

A No.

Q102 - - - mouth to mouth?

A No.

Q103 O.K.

A They just, may have just, we had another guy dead in the same situation. I just, I'm still pleased that I didn't really even know until probably a minute later that he'd actually died, I just didn't know what was going on, I sort of was, Shayne Hansen on deck, knows CPR and he was trying to get Phil's stomach clear of water, he was just full of water he was, so, apparently.

Q104 O.K. Now, after the boat's righted itself you've, you've come across Bruce and what, and someone's gone up to the deck, top deck?

A Yeah, I'm not quite sure who went up on deck, I think, I know Shayne was up there.

Q105 Yep.

A I think Shayne was the first one up there and Rob was, Rob was on deck, he got back on deck, no worries, he actually sort of landed back on deck, when the boat righted itself.

Q106 Right.

A And - - -

Q107 Did you go up deck at all?

A No, I just stood up on the bottom step of the hatch and just looked out momentarily - - -

Q108 Yep.

A - - - and I think Steve may have, may have said something to me and he was the one holding Bruce and that's when I realised that there was a problem with Bruce.

Q109 Right. So did you see Skeggs at all attached to his harness - - -

A No.

Q109 - - - still on board or -?

A No, he was, apparently when the boat come back up, he was hanging over the side.

Q110 O.K.

A Attached.

Q111 Attached?

A Attached, he was just hanging there, but he'd, he'd already drowned at this stage. He was all just limp.

Q112 Yeah.

A And Shayne was trying to lift him over, but Phil's a pretty big bloke, so, he's also about 90 kilos and when he's a dead weight like that - - -

Q113 Yeah.

A - - - bloody near impossible for someone to lift, so I think Rob may have given him a hand - - -

Q114 Right.

A - - - put him onto the deck and then proceeded to do whatever, I don't know, sort of I was like inside with Bruce so -

Q115 Bruce, yeah. Now, how long was it after that particular incident that you were rescued?

A We got rescued this morning some time, 8.30, so it was the sort of time, I suppose, I'm not quite, I'm not too sure, I didn't look at my watch.

Q116 And that was done by a helicopter rescue, was it?

A Yep.

Q117 O.K. by winching?

A Yep.

Q118 O.K. And seven of your were taken off the boat this morning, is that correct?

A Yep.

Q119 And Mr Guy and Mr Skeggs' bodies were left on the boat?

A Yep. Bruce's body was in the bunk where we put him.

Q120 Right.

A We couldn't, you couldn't move him really anywhere.

Q121 Yeah, yep.

A And Phil was in the cockpit.

Q122 Right.

A Strapped in, in a harness, I believe, on the floor of the cockpit, because we couldn't get him down below.

Q123 O.K.

A He was too big.

Q124 Now, was there still water inside the cabin of the boat?

A Yeah, there was about, probably a foot of water inside the cabin, the boat was all watertight when the hatchboards were in.

Q125 Yeah.

A shut and watertight there

was a bit of a hole in the side of, or in the window

- - -

Q126 Yeah.

A - - - but they'd been there since the first rollover,
so, but I believe the well and
truly, no danger of sinking.

Q127 Right. O.K.

A Not at all.

Q128 Jason, is there anything you'd like to ask?

SENIOR CONSTABLE STEVENSON

 No, there's not.

SENIOR CONSTABLE GRAY

Q129 Who was actually skip on the boat?

A Bruce.

Q130 Bruce, was it.

A

Q131 O.K. That's about all I can think
of to ask you in relation to it. Is there anything
further you'd like to say in relation to what happened
today or yesterday?

A Pretty well basically got it covered, yeah.

Q132 O.K. Do you agree that the time on my watch is about
1.32pm. This interview is now terminated.

INTERVIEW CONCLUDED