

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr James Rogers at Eden Police Station on Monday, the 28th of December, 1998. Also present and seated to my left is Detective Senior Constable Stevenson. Do you agree, Mr Rogers, that we are the only three people in this room?

A I do.

Q2 And do you agree that the time on my watch is about 4.09?

A Yes.

Q3 As I have told you we're making inquiries in relation to an accident, a boating accident which happened last night, on the 27th, off the east coast involving the vessel, Business Post Naiad. As I told you before the interview I, I intend to ask you some questions in relation to that and the questions and answers will be recorded on three audio tapes and at the completion of the interview you will be given a full audio tape copy. If I could just get you to read this paragraph for me out loud onto the tape, if you wouldn't mind?

A This statement made by me accurately sets out the evidence which I would be prepared if necessary to give in court as a witness. The 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 wilfully state anything which I know to be false or do not believe to be true. I am 49

years of age.

Q4 Thanks very much. For the purpose of the interview can you please state your full name?

A Laurence James Rogers.

Q5 And your date of birth?

A 1st of the 9th, '49.

Q6 And your current address?

A 17 Tanner Drive, Legana, Tasmania.

Q7 And who do you reside with at that address?

A My wife, Jane Suzanne Rogers.

Q8 O.K. Now, as I explained to you before, what I'd like you to do is to take us back from when you left Sydney and to when you were rescued this morning, if you could take us through all the events in your own time.

A O.K. We went out the harbour, we got a reasonable sort of start, probably about half way through the fleet and got out and started coming down the coast with the spinnaker up and were sort of satisfied with our progress, going reasonably well, wasn't blowing all that hard, and as I recall when we dropped our spinnaker we just had plain headsails up and it still wasn't blowing all that hard, then gradually we, we reduced sails, we had, we went from a full mainsail down to a number four headsail and then rode that right down so there were three reefs in the mainsail and we knew that the forecast wasn't good, but sort of the winds we were in weren't bad at that stage, so eventually it started picking up too much so we dropped

the hull mainsail down so we just had the storm jib which I thought was quite good because it was getting the steering through the waves and the waves were building up then and the wind was picked up to about 45 knots at that stage and I went down off watch, and then the boat, the wind gradually picked up more and more and the skipper Bruce, he was a bit concerned that the boat was starting to pound a bit in those waves, I was sort of happy we had steering, it sort of hurt in fastnet race, all the boats that got into trouble there, you know, took their, took their sails off and the ones that kept steerage, you know, were actually saved.

Q9 Mm.

A And I, I did suggest we put some out the back to slow the boat speed up, but, Bruce was getting a bit concerned and he's sort of considering whether to turn around, retire and turn around and come in to port under motor or whether he'd just go under bare poles for a while, so he decided to drop the storm jib as well, which we had up at that stage, and when he dropped the storm jib I suppose we were all sitting out on the cockpit, what time would that have been, probably getting roughly 4 o'clock yesterday afternoon, and I think we'd gone about 30 miles past the Gabo at that stage, I think we were, and I suppose we were only going with bare poles for about five minutes when this big wave hit us sideways and it just picked us up and

threw us, I was out in the cockpit, I had a harness on, the whole boat went over and we got thrown right round underneath the boat, sort of under the water for a couple of minutes and sort of looking at Bass Strait and swallowing and was getting ready to fire the flare on my harness on my chest and then boat popped me out and then at that stage everyone was out in the cockpit all went over, when the boat came up the rig had broken in half and the ones that were down below came up and helped pull us over the side so we all got back in so we were very fortunate at that stage, no-one was lost. So then we were able to winch the mast back onto the side and tie it down, and then we were able to get the motor going after a couple of attempts so we decided we'd head for, or go to Gabo Island at that stage so we started steering to go to Gabo Island and the seas were getting really big at that stage, and that was sort of in the day time, by the time all of us got geared up must've been getting 6.00, 7 o'clock, towards then. So I could sort of see we were probably going to have trouble in the night when the light went and as far as, it was night time, I was out on one watch and Steve Walker was helming the boat and the waves were already, 'cause they big breakers on the top, they were already picking us up and starting to push aside of us a bit and the boat was tilting sort of dangerously close, I thought if we go over again we're in trouble, anyway, we went off watch and another two came up, we thought

we'd put people up just for an hour because two people up for an hour because the conditions were pretty cold and wet and awkward. I think we'd made about 16 or so miles back towards Gabo Island and Rob Matthews was out on the helm and Phil Skeggs was out there backing him up, I was actually lying down beside the motor and the boat went down a big wave and over she went again and it actually stayed upside down, I got sort of trapped in underneath the sails and bit and pieces and my head in water, a lot of weight pushing on it, I managed to sort of push myself up and get out into air and then realised the boat was upside down, I guess the boat stayed like that for, a little bit hard to tell, but I'd say four minutes or so because we were trying to actually get the life rafts out through the, through the hatchway, we thought we had to dive out underneath because we didn't think she was going to come up and there was a fair bit of water in there good and then a big wave must've hit, flipped it right back up again. At that stage Bruce Guy, the skipper, just went and flipped right back up, I suppose it was three feet, it was up to your knees in water, and Bruce suddenly went into a sort of convulsion fit, shaking and carrying on and Steve Walker and I grabbed him and held him and that went on for probably 30 seconds, and then he just went absolutely limp, like a rag doll and his eyes just went completely stare-ey, so I sort of assumed he'd had a heart attack, or something and it

was pretty well instantaneous and we kept him up, Steve and I kept him up out of the water and at the same time the fellows that went up on deck, were screaming out, "Come and help", and evidently Rob Matthews had been flipped overboard and so had Phil Skeggs and Rob evidently managed to unhook his chestlock on his harness underwater and he managed to get back on board and Phil was sort of half way over the rigging so. Anyway they managed to drag him back on board, we were concerned about Bruce, we didn't sort of realise what was going on, there was a lot of noise and wind and everything and a couple of the other guys went up to, to help outside and, of course, we were scared about going over again, so, Rob was still at the helm and the guys out the back I stayed down below, I didn't go out the back 'cause I was kind of, sort of seeing if I could do anything with Bruce and the guys out the back tried to do a bit of CPR on Phil, but I think he'd just taken too much water, I think they tried for quite a while.

Q10 Mm.

A So, at that stage, you know, the boat's still got about three feet of water in it and we thought, it's probably going to sink, so, and, and at that stage I think we, we got a life raft out there and that was in the cockpit and that wasn't helping things either, so, so we ended up we got a life raft inflated and we tied it beside the boat and then we put the other one up on

deck 'cause we had two six-man life rafts. In the end, after a while we decided the boat was sort of, with the extra water in it, was helping the stability in the sea, so we thought well, from everything we read, it's better to stick with the boat, not get in little life raft and we also had an EPIRB there which we had set off a lot earlier in the afternoon and we dismasted, our radio had gone as well. So, anyway, in the end we sort of stuck with things and Phil had gone and Bruce had gone and we bailed a reasonable amount of water out of the boat, managed to get the level down a bit and then decided it would be best to leave a fair bit in there to help the stability of it. So, we, we went back down below and spent most of the night down there with water slopping around us and just hoping we could see the night out and then, you know, at one stage during the night we, we got a spinnaker and tied that out over the bow to hold the bow into the waves and that, that helped. So we were still being picked up, the seas were really ferocious still, being picked up and water roaring over the top of the deck and, certainly didn't think any of us were going to get out of it. And, anyway, we didn't think the EPIRB had been working because we put that on about 4.00 yesterday afternoon, had no response at all, the one, one plane flew over before dark last night and went away again so we thought well, you know, no-ones', you know, it's too late in the day, it was just before dark so I thought

no-one's going to come, it's getting too, too dark for a helicopter, like, I had hoped there might be some night search helicopters or something, but no-one came out and I asked Peter Keats, who was the navigator and he, he got out to a couple of boats on the VHF radio, which wasn't the main one, but he'd actually talked a couple of boats, a couple of other boats and told them where we were and, you know, we were taking on water and it actually split the deck as well, we were taking water through the deck and through, through one of the side windows, so we managed to plug that up a little bit, it was still coming through the deck, so we lasted out the night, just with all this water slopping around us, thinking, things weren't looking too good and, we also fired about four flares off just after we rolled the second time, but, evidently no-one saw that neither, and of course we had no radio at all then, so, this morning, sort of first light, we got up and put a red piece of fabric over the, over the beam so that any aircraft came out would see it, and hoped the EPIRB worked and evidently it did because about, as I recall, probably about quarter to 8.00 there was, aircraft came over. It was the best sound we've ever heard.

Q11 I bet it was.

A And not long after that the helicopter arrived. So,
.....

Q12 Are you right?

A Mm.

Q13 O.K. What sort of sailing experience have you got, Jim, yourself?

A Well, I've sailed offshore about 17,000 racing miles, I've got an master offshore certificate.

Q14 Yeah.

A I've sailed with Bruce Guy on this boat for about, this will be my fourth Christmas race with him, Melbourne-Hobart, Melbourne-Devonport.

Q15 So you know Bruce pretty well?

A Yeah.

Q16 You know Bruce fairly well, you've known him for some years?

A Yes.

Q17 What, how long has he had the boat for, do you know?

A He got it probably not long before I started sailing, this is about, last year we did a Melbourne to Devonport race, year before that was a Melbourne-Hobart, the year before that was a Melbourne-Hobart then we done a couple of races across Bass Strait, which we hit conditions where there 50, 60 knots but because the seas weren't as big, these were really huge seas, so, and they were breaking, sometimes big roll-ey swells, but these were actually breaking, so it made it very hard, one of the other fellows I was talking to in the hospital, he was in a similar position to us, he was going along under storm

jib, our storm jib was still carrying us too fast a speed, you know, this guy said his was going O.K, in retrospect he should have kept going and he said he made the decision to retire and come back this way, soon as he did that he got the seas on the other and he did exactly what we did, flipped and lost the mast, so, yeah.

Q18 Did you know whether Bruce had any medical conditions?

A No.

Q19 You weren't aware of that?

A No. In fact, I thought he'd actually had a heart attack. I was talking to the doctor at the hospital, he looked me over this morning.

Q20 Yeah.

A And he said that sounds, it wasn't a heart attack, he said it was probably oxygen starvation to the brain, just that it was probably, he might have been, you know, underwater - - -

Q21 Yeah.

A - - - and couldn't breathe, or, or else he might have suffered a bang to the head or a crush on the chest and that, that spasm and everything was sort of symptomatic of that, and in fact, the other guy, Matt Sherriff, he said that when the boat actually went over and was upside down, he was under some bunks and things and Bruce was too, and he actually had to pull him out, so he actually had been under water there for some time then, but he actually stood up and the was O.K. then.

Q22 Right.

A It was only when it flipped back over the other way, as it did very quickly, and he got up very quickly, he was O.K. and then he had this attack and I thought, it must have been just the shock of it.

Q23 Yeah.

A So, evidently it wasn't a heart attack, according to the doctor.

Q24 Mm. Can you describe the cockpit of the boat for me?

A Yep. It's a boat with fairly wide decks, normal sort of racing boat design, I suppose the cockpit would be a couple of feet deep and, I suppose probably five feet wide.

Q25 Right.

A An open into the back, that'd stop the sea going across the wires.

Q26 And there's a seat in the back, is there, or -?

A There's some seats either side, on the side decks and tiller steering.

Q27 Tiller steering. O.K. Now, when you say you put the storm jib up, when was the storm jib put up initially, about, whereabouts?

A Sort of when, when the wind started to pick up, I suppose, it's hard to recall now, but as I recall we weren't going all that fast and we had sort of full main up initially.

Q28 Yeah.

A And then we went down to number four headsail, then we

decided to put three in then the wind picked up to about 20 knots or so.

Q29 Right.

A And exactly what time that was, it may have been something like 3 o'clock.

Q30 Yesterday?

A Yes. And then we decided that three reefs and a main was and, and that's, that's right I recall now, there was that other boat in front of us, called, it started with R, it's called Raver or something similar to that and he was about four miles in front of us and forecasting all the strong wind, that's when we decided to put the three reefs and a main small jib.

Q31 O.K. Now, what was the, you know the name of all the crew that were on board, including yourself?

A Yep.

Q32 Can you just tell me who they were?

A There was Bruce Guy, Steve Walker, myself, Robert Matthews, Matt Sherriff, Peter Keats, Phil Skeggs, Shayne Hansen, did I say Steve Walker? Certainly Steve Walker and Rob Matthews both done a lot of I think Rob's done something like 60,000.

Q33 Have you, have you sailed the Sydney to Hobart before?

A Yes, this is my third Sydney to Hobart.

Q34 All right.

A I've also sailed from Devonport up to Sydney, I've done

..... Cup.

Q35 Right.

A I've sailed overseas.

Q36 Now, when you said flares, you put some flares off yesterday, what kind of flares were they?

A Fired some parachute flares and then let a couple of hand-held flares go as well.

Q37 Were they distress flares?

A Yes.

Q38 O.K. And, did they go off successfully?

A Yes.

Q39 O.K. And how many did you say? How many flares did you say?

A It wasn't me out there doing it.

Q40 Right.

A 'Cause I was still sort of down there with Bruce, but I think it was probably about three rocket flares, Peter Keats, if I recall, was the man doing it and a couple of, probably the hand-held ones.

Q41 Right.

A Yeah.

Q42 And shortly thereafter you heard the aircraft?

A No, it was some time after.

Q43 Some time after, was it?

A Yep. Sort of not long before dark.

Q44 Not long before dark.

A Not long before dark, so it must've been about probably 8.15, 8.30 or something.

Q45 Right, so, was that aircraft visible to you?

A Again, I think I was down below - - -

Q46 Right.

A - - - when it happened and the other guys said there's a plane, it's just gone over.

Q47 Right, so you assumed that they saw the flare, perhaps?

A Yeah, they did, yeah.

Q48 Yeah. Do you know if any flares were released when the aircraft was seen?

A I think there was, yeah.

Q49 O.K. Now - - -

A

Q50 Sorry?

A Actually fired quite a few of them.

Q51 Right, O.K. Are you able to describe the, the dimensions of the boat, what sort of boat it is, to me?

A It's a Farr 40 and it's built in about 1985, designed by Bruce Farr who was a very good boat designer, it's 40 feet long.

Q52 Right. O.K.

A Sort of conventional ocean racing yacht, very soundly built, it's a and Kevlar so it's quite tough.

Q53 Right. Did you, being a sailor experienced as you, find it, find it a little bit difficult to understand why the boat didn't right itself as quickly, the first time as the second time? The second time as the first time.

A Yeah, yeah, the first time it righted itself perfectly.

I can't really explain why it didn't, it might've been just down in the trough.

Q54 Yeah.

A Probably, just flipped over, it was in the trough and soon as the wave started to build up again, it flipped it over.

Q55 Yeah. Because it was minus a mast, mast on the second flip, wasn't it?

A Yeah, only half a mast left.

Q56 Only half a mast.

A Yeah.

Q57 And the other, that other half a mast had been, had been tied to the, the deck.

A That's correct, yes, as I recall some of the other fellow said, I didn't see, as I recall, some of the other fellows said that Phil Skeggs had ropes tangles around his legs and around his neck and everything as well.

Q58 O.K. Did you see him at all?

A I didn't.

Q59 At this stage?

A No. Not, not at that stage.

Q60 O.K.

A Not till later on. In the night, when we were bailing out the boat, sitting in the cockpit.

Q61 Right, O.K. And I believe before you were rescued this morning, I believe both Bruce and Skeggs were, were secured on the boat?

A Yeah, well, Bruce, last night when we, quite obviously couldn't do anything for him, rather than just having him floating around in the water in the middle of the cockpit, we put him up in a bunk on the port side at the back and then Phil Skeggs was in the cockpit and then we tied him in this morning before we left.

Q62 And how long have you known Phil for, Phil Skeggs?

A At least two years. He's sailed with Bruce, he's Bruce's next door neighbour, so, he didn't have a lot of experience.

Q63 Right.

A I wondered if he had enough experience to actually let go the chest buckle on his harness but someone said he was tangled up in the mast.

Q64 So what would be the procedure if you're, if you're tied into, on your chest harness, if the boat flips, what's the procedure for a person, for an experienced sailor what would be the procedure if you're in the cockpit when the boat goes over? Is there a procedure or a -?

A Well, it's never happened to me before.

Q65 Right.

A But I would say the only thing you can do is sort of wait till it comes back up again.

Q66 Right. So stay attached.

A Stay attached because the big danger is if you're out in seas like that and you unattach yourself, the boat will drift off and you won't get back on to it again.

Q67 Right.

A 'Cause obviously the boat's got no capability of probably coming back to you at that stage.

Q68 Yeah.

A So you take the chance, but obviously if you're under there and you know you can't breathe, you undo it and get up.

Q69 Yeah.

A Take the chance of getting back

Q70 Now, is the cockpit covered with a housing, is there a housing -?

A It's open.

Q71 Does the boom extend across the cockpit?

A Yes.

Q72 How far across, right across or -?

A Fairly well towards the back, yeah.

Q73 So you're seated, when you're actually steering the boat, you're under the boom?

A Well, the boom's, the boom, when you're going hard on the wind only comes nearly up to the centre line and other times it's out further.

Q74 Out further, yeah. O.K. Is there anything else you'd like

A All I can say, actually from experience and experience in this, probably sail makers should or boats should have smaller storm sails, I mean the storm sails we had actually were just too big and pushing that boat too fast, so.

Q75 Tell us a bit more about that. Can you tell us a bit more about, like, can you explain it to us?

A O.K, so you got two storm sails, one's a trysail which you put up in place of the mainsail.

Q76 Right.

A And the other one is a storm jib, which goes up the front and instead of putting a trysail up as well we first put the storm jib up and we drop the whole mainsail.

Q77 Yeah.

A Just to get steerage and, and that was pushing the boat too fast, that, initially it was O.K.

Q78 Yeah.

A And then when the wind built up a bit more it was, it was pushing the boat too fast, so quite obviously it was a case when you get winds of strengths like we had, which was, I think someone said 72 knots, that, that you should have smaller storm sails. I think, you know, from what I've read about that fastnet race two years ago and a lot of people lost their lives, the whole Australian team went over there and won that whole fastnet from what I've read they, they kept their boat sailing, sort of worked their way between, between the waves, but these waves last night weren't just, nice big roll-ey swells they were, they were huge and they were breaking, that was, that was the problem.

Q79 So, did, did you get a look at some of the waves?

A Yeah.

Q80 How big?

A Hard to estimate, but, like when you get up and look down, they were huge.

Q81 Yeah.

A Probably might have been 40 feet.

Q82 Yeah.

A Yeah, they were just nasty.

Q83 So, when you were in that sort of weather, from your experience, the aim of the game is to, to what with your boat, to sort of just, sail on as best you can?

A Well, it's the responsibility of every skipper to make the decision whether to continue or not, it's part of the regulations.

Q84 Yeah.

A And as I say, Bruce was deciding what to do and he pulled the sails off and he was still making up his mind whether to turn around and sort of make it back.

Q85 Yeah.

A And he decided initially, just to keep going under bare poles.

Q86 Yeah.

A Just for a few minutes just to see how it was going and that was when the big wave hit us and flipped us onto it.

Q87 Yeah.

A Quite obviously that was the right thing to do.

Q88 So the first roll there was a sail up, was the mainsail up, was it?

A No.

Q89 It wasn't?

A No sails

Q90 No sails.

A We didn't really have steerage and the waves were actually hitting the boat, pushing it sideways.

Q91 Right.

A Actually, you probably would've been better off having that storm jib up even though it was pushing harder and trail some big ropes behind speed up.

Q92 Yeah.

A But if it had smaller sails, storm sails, than, than what was there, it would've been enough to give you steerage but not overpower the boat.

Q93 Right.

A 'Cause when that storm jib was up it was also heeling over quite a long way.

Q94 Yeah. O.K. Just one thing, have you ever known this boat rolling like that in the past?

A No. It was built in 1985 for the New Zealand Admirals Cup team and, so it's a, it's obviously been to England and done Sydney-Hobarts and Southern Cross series and things before, no problem.

Q95 O.K. Anything further you'd like to say, Jim?

A No, just we very thankful for the people that rescued us. They did an excellent job.

Q96 O.K. No worries.

A New South Wales Ambulance Service.

Q97 O.K. Do you agree that the time on my watch is now
4.34?

A Yep.

Q98 This interview is now concluded.

INTERVIEW CONCLUDED