

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stuart Gray and Mr Matthew Sheriff 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 Sheriff, that the only persons present in this room are us three?

A I agree.

Q2 O.K. Now, do you agree that the time on my watch is about 5.07?

A Yeah.

Q3 O.K. As I've explained to you, were making inquiries in relation to a boating accident which occurred off the east coast some 40 miles off the east coast, which happened yesterday in which two people lost their lives. What we're going to do is ask you some questions as I told you, and they'll be recorded on the three audio tapes - - -

A Yeah.

Q3 - - - and at the end of the interview you'll be given an audio taped copy. O.K. If I can just get you to read this paragraph for me on, on tape, if you wouldn't mind?

A Yeah. This statement made by me accurately sets out the evidence which I would be prepared if necessary to give in court as a witness. This statement is true to the best of knowledge and belief and I make it knowing

that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true. I am 25 years of age.

Q4 O.K. All right. Now, if I could just start with a bit of background stuff. How much sailing experience have you got?

A This would have been my fourth Sydney Hobart and I've done two West Coast, three West Coaster's as well as those.

Q5 O.K.

A And a three ..... race.

Q6 O.K. And what, what position or role did you have on the boat?

A I was one of the foredeck hands.

Q7 O.K. And what does that involve?

A Doing all the sail changes on the, on the foredeck and the spinnaker jibing and stuff like that.

Q8 O.K.

A Yeah.

Q9 Now, are you able to tell me the, who the owner of the boat is?

A Bruce Guy.

Q10 O.K. And how much sailing experience have you had with Bruce?

A Approximately two years, I did the Melbourne to Devonport with him last year.

Q11 All right.

A So, within the season prior to that and also this year.

Q12 And that's on the Business Post Naiad?

A That's right.

Q13 O.K. Have the crew that sailed in this recent race crewed together previously?

A Yeah.

Q14 O.K.

A Been sailing together most of this, this year.

Q15 Right.

A This bunch of guys anyway.

Q16 So, you feel, you worked fairly well as a team?

A Definitely.

Q17 No problems.

A Yeah.

Q18 Are you able to tell me the specifications and dimensions of the boat at all?

A It's a Farr 40, 40 foot long, I couldn't be exactly sure on the beam.

Q19 Right.

A They were the main dimensions.

Q20 O.K. And that's made of, that boat?

A It's Kevlar, the hull.

Q21 Yeah. That's enclosing the foam, is that correct?

A As far as I know, yeah.

Q22 All right. O.K. And how, how long have you known Bruce Guy for?

A I've actually known Bruce for a long time, I went to school with his son - - -

Q23 Right.

A - - - he lived in the same suburb as I did.

Q24 O.K.

A And, yeah, his son used to sail dinghies.

Q25 All right.

A It was when I was sailing dinghies.

Q26 O.K.

A So I've probably known him for 18 years, probably.

Q27 What about Phil Skeggs?

A Approximately two years.

Q28 All right. O.K. Now, if I could just take you back to when you started on, which would have been on Boxing Day.

A Yeah.

Q29 The 26th. If you could just in your own words, in your own time, just tell us the events which unfolded from the start to being rescued today?

A Yeah. O.K. Well, the start we had was reasonable, we, we got out of the heads without too much drama and, and headed down the coast, set a spinnaker, and we were running down the coast for quite a few hours. Changed down to a smaller spinnaker, just in time before the, a bit more breeze came through. Then we had a wind direction change, which meant we dropped the spinnaker and, and put up a, went with a, might have been number 2 headsail, and we were going reasonably well along with that. And then we got another change came through which was a bit stronger, so we made another headsail

change then, then it was fine. That, I went to, down off watch at about 9 o'clock that night - - -

Q30 Which is also the 26th or - - -

A Yeah.

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Q31 The day you started?

A Yeah.

Q32 The day you started, right.

A Yeah. And, and it was all no dramas, I actually got a little bit seasick then and had to throw up once, but that was fine, 'cause I was in the bunk. I then came on watch again about, would have been at 9 o'clock that night and we were doing three hour watches, three hours on three hours off. So, I did that, the next morning, well, daybreak the next morning we were still ..... with the same conditions, probably increased a little bit, but the boat was going really well. I think we had two reefs in the main and we had a number 4 headsail on, we changed, and we also put a third reef in the main as the breeze freshened a bit. Later on it eased off again so we pulled that reef out. It then seemed to be going pretty well, but we, we, we were getting down, down the coast pretty quickly, and they were forecasting a, a change coming through, and we're sort of building on the, on the horizon to the ..... coming. So, yeah, that was when we put the third reef in, and the boat seemed to be handling it O.K. I actually got pretty seasick around that stage

so, well, Bruce came up and he advised me to go down below. So, I did and took some medication and went down below, and basically while I was down below the change came through and they were running, that when I think they took the headsail off, I couldn't sure about that, because I wasn't standing on the boat, but they took the headsail off and we were just running under the main, and the breeze was probably about 50 to peaking at probably 65 knots. And, I then suppose it was about 5.00 or 6 o'clock that evening, which was yesterday, Sunday evening, that we decided the breeze was a bit, 'cause the boat was going, leaning too fast anyway for the conditions, we wanted to try and slow it up, so we got the mainsail, mainsail down, I went up, up on board to give 'em a hand with that and we managed to get the main down and lashed around the boom ..... and decided to set a storm jib, just go on the storm jib. So, we did that and had that up for possibly a couple of hours, then it's, then it was still, still going too quick so they decided to go into bare poles. A lot of this time I spent, I went up to give them a hand getting the main down, but then I was sick again so I went down below, I wasn't much use really. Then, yeah, after they got the, just went on to bare poles we were only running on the bare poles for say half an hour when we had our first roll, rolled over 360, and dismasted and punched a number of holes in the, in the cabin and in the window and, or cracked

some of the bulkheads inside the boat. The boat came upright, it righted itself and there wasn't a great deal of water in the boat, got the engine started and got the, the radio working with the whip aerial and got the, the mast lashed to the boat, and that was all stowed away so it wouldn't ..... do, do damage to the hull. And we made a Mayday call at that point in time, as soon as the boat came upright, and activated our EPIRB, and that Mayday call was, was received by a boat called, Yendys, which we then had radio contact for quite regularly and they were relaying that information on to Telstra race control, the Young Endeavour.

Q33 Right.

A And, so we maintained contact with them, and gave out heading and, and course back, our intention was then to get back to Eden as soon as possible. So, we were heading, heading towards Eden doing about 5 knots, motoring into the, into the, into the westerly. We motored for would have been about five or six hours I'd imagine, it's probably about 11.00, between 11.00 and 12.00. We had, we were 46 miles off Eden, off Eden when we originally did our 360.

Q34 Right.

A So, we would have covered ..... doing five knots to ..... six hours at five knots, probably 35 miles. We thought we were about 27 off Gabo at that time, or sorry, Eden, when we rolled again, just a

wave, a freak wave hit, Rob and Peter Skeggs were up on, Rob was steering, Peter was on watch for him, the rest, the rest of the guys were below, I was in the bunk again above Bruce and the boat went over, it was upside down for approximately five minutes I'd say, it was quite difficult to get out of that bunk and Bruce had a fair bit of difficulty getting out, I had to give him some assistance to get out when the boat was upside down.

Q35 Right.

A 'Cause he had a fair bit of gear on top of him, and I reckon he might have taken in some water there, at least lost some oxygen supply anyway.

Q36 Right.

A We managed to get the life rafts out from where they were stowed and we were actually pushing him down the companionway out into the, as the boat was upside down.

Q37 Yeah.

A So, we, we got one out as the boat rolled over, ..... righted it, so I got a life raft out and inflated it as it righted and then I went out to see if Rob was O.K, he was fine, Phil was lying face down basically with his feet over the, over the side of the boat and his head down over the traveller. Yeah. I said to Rob was he O.K, and he said he's, he'd been under the water for the entire time the boat was upside down, so I didn't know a lot about CPR, but I tried to get him up on his side and clear his airway and stuff



and yelled out to one of the other guys from down below, Shane, who is quite good at that sort of stuff to come up and give me a hand. So, he started working on him and he ..... got his, opened up his chest and that sort of stuff - - -

Q38 Yeah.

A - - - but, it was also at the lift raft that was about to be blown away so I had to try and attach that as well, and in the meantime the other guys down below were dealing with Bruce at this point in time we didn't know what, what had happened to him.

Q39 Yeah.

A So, it was just Shane and I.

Q40 Yeah.

A Well, Shane basically trying to revive Phil, which he wasn't able to do, he just had too much water in his lungs.

Q41 So, did you, when you went from below decks up to the top - - -

A Mm.

Q41 - - - was Bruce still alive?

A Yeah.

Q42 At that stage?

A Yeah.

Q43 So, the last time you saw him alive?

A Yeah. The last time I saw him was, I gave him a hand to get out from under the bunk - - -

Q44 Right.

A - - - and I was actually the first one to get out into the cockpit - - -

Q45 Right.

A - - - as the boat righted.

Q46 O.K.

A I looked back and I'm sure I saw Bruce standing there - - -

Q47 Right.

A - - - in the companionway looking out.

Q48 Right. O.K.

A And then it must have been during the time that I was trying to tie the lift raft on and give, give Shane a hand that Bruce had his attack, problems.

Q49 Yeah.

A Yeah.

Q50 Now, when you were updeck with Phil and Shane -?

A Yeah.

Q51 Was any roping around Phil at all?

A Yeah. He had, he had the, it was the spinnaker brace around both his feet.

Q52 Right.

A And he was still harnessed on, so obviously as the boat went over - - -

Q53 Yeah.

A - - - he was trapped underneath.

Q54 Yeah.

A Robert actually managed to unclip his harness to - - -

Q55 Yeah.

A - - - get back on the hull.

Q56 So, did you notice and roping around his abdomen or, or around his throat area?

A No. Only just his, well his harness goes round his abdomen - - -

Q57 Yeah.

A - - - but, yeah, we had - - -

Q58 No additional rope there or anything?

A No.

Q59 O.K. Whereabouts was he situated for the length that the boat, was he sort of mid, was he more towards the front of the boat or - - -

A Well, the cockpit is basically .....

Q60 .....

A He was sittin' ..... to the cockpit, goes like that.

Q61 Yeah.

A And the ..... runs across there.

Q62 Yeah.

A Rob was here on the tiller and Phil was laying across this way with his feet ..... over there.

Q63 Yeah.

A So, we sort of had to drag him, Shane and I tried to drag him up and get him on his side here.

Q64 Yeah.

A Across the traveller.

Q65 O.K.

A Just trying to work with him.

Q66 So, did you know where he, where his, his harness was attached to within the cockpit, was it attached to the cockpit, can you recall or -?

A I ..... I can't remember which, which - - -

Q67 Doesn't matter - - -

A Yeah. .... we cut it off to get it, get it, his chest open.

Q68 Right.

A ..... the boom was laying across there like that as well.

Q69 Yeah.

A His legs were just, just behind the boom.

Q70 What was the weather conditions like at this stage?

A Pretty severe.

Q71 All right.

A .....

Q72 The boat was rocking and - - -

A Yeah.

Q73 And lighting, did you guys have any lighting up there at that stage or -?

A Yeah. We did, I actually got some flares out and let off, I think we let off two, two red parachute, or three red parachute flares and a couple of, or three red smoke flares as well.

Q74 Right.

A To give off light.

Q75 They gave off good light?

A Yeah. But we had a torch as well.

Q76 How fast was the boat going at that stage, was it still going forward or sideways, backwards?

A Well, it was basically going sideways to the sea, the sea wave was coming this way - - -

Q77 Right.

A And the waves were just sort of breaking, breaking over it.

Q78 O.K. Now, who, who made the Mayday call?

A The original Mayday call which was made - - -

Q79 Yeah.

A - - - on the, in the first 10 minutes - - -

Q80 By who?

A - - - was Peter Skeggs.

Q81 O.K.

A He's the navigator, he did all the radio work.

Q82 Right.

A After we had that, that rollover the radio, all the radios were out of action so we were unavailable to talk to anyone then.

Q83 And the EPIRB was activated on the second roll or the first roll?

A the first one.

Q84 The first one.

A The EPIRB was, was running from the first to when we were rescued.

Q85 O.K. Now, did you hear a reply or a transmission from Yendys?

A Yeah.

Q86           You did, did you?

A           .....

Q87           O.K. What did they say, did you recall or -?

A           I remember them saying that that they would pass on our information to race control.

Q88           Right.

A           And that they asked the nature of our problem and whether it was still warranting a Mayday.

Q89           Yeah.

A           And, and they also, later on we, after we'd got the motor going, they were trying to arrange, we were after a boat to accompany us - - -

Q90           Yeah.

A           - - - into Eden.

Q91           Yeah.

A           Because we weren't sure how much, whether we'd have enough fuel to make it and just structurally the boat wasn't entirely sound.

Q92           Yeah.

A           They tried to arrange that by giving out our, our mobile phone number on board that we had.

Q93           Right.

A           Which was a bit vague, 'cause we didn't have a, it wasn't a service area out there.

Q94           Yeah.

A           But the radio wasn't, wasn't being received by many other boats, I think we spoke to just from when I was laying in the bunk probably a couple of other different

boats - - -

Q95 Right.

A - - - from that time we did the first roll to the second.

Q96 Did you, did Yendys get back to confirm that message at all?

A Mm.

Q97 They did?

A Yeah.

Q98 O.K. You mentioned that, that after the first roll there was a couple of, there was, there was damage to a window, is that right?

A Yeah. The - - -

Q99 And there was some holes or something, is that what you said or -?

A The port, yeah, the port side window, forehead window was, had holes smashed through it.

Q100 Right.

A And there was a crack along, along ..... running along the deck from where the compass is along that way.

Q101 Yeah.

A And there was a couple of other cracks in there, on that side of the deck.

Q102 Right.

A And the bulkheads ..... bulkheads were cracked.

Q103 Righto. Was that, was water getting in there when you rolled for the second time?

A Yeah. It would have come in through there, yeah.

Q104 All right.

A But because we were upside down for so long it mainly came in through the companionway.

Q105 Right.

A We probably had about, it was up to your knees, and, in, in, in the boat.

Q106 Righto. Now, when did, you heard an aircraft, or an aircraft was heard yesterday afternoon?

A Yeah. That's right. After we put out the first Mayday call.

Q107 Right.

A An aircraft flew over us a couple of times.

Q108 Did you see that aircraft?

A No. I just heard it.

Q109 You heard it, O.K.

A Yeah. I couldn't be exactly sure on what time that was either.

Q110 Right. Did it sound rather close or -?

A Yeah. They passed us a couple of times.

Q111 O.K. And did someone let flares off after that happened, or prior to it.

A No. No flares had been ignited.

Q112 O.K.

A Either prior to that or during that.

Q113 O.K.

A Because we were basically in a situation where we were motoring in, we felt the situation was under control



but we were basically in need of someone to accompany us.

Q114        Yeah.

A            Yeah. I think, I think Peter did, did, did radio later on that he was having troubles, and that he would like to get some crew evacuated from the boat.

Q115        Right. Did you, were you aware if Bruce Guy had any previous medical complaints or history - - -

A            No.

Q115        - - - of a coronary type nature?

A            Not at all. I'm not, I couldn't even be sure that that's what he, his - - -

Q116        Yeah.

A            - - - .....

Q117        You said that when you came back the second time then you realised that he was dead.

A            No. Well, I - - -

Q118        When did you realise that he was deceased?

A            It wasn't till later on when we were, probably about a half an hour later .....

Q119        .....

A            We were, we were out in the cockpit, 'cause I was basically out in the cockpit the entire time - -

Q120        Yeah.

A            - - - ..... were, we were out there packing gear for the life raft - - -

Q121        Right.

A            - - - and getting the life rafts set up - - -

Q122        Yeah.

A           - - - and Tony, one of the guys come up and I said, and  
             he told me then.

Q123        All right. Did you inquire about Bruce or did he just  
             tell you?

A           I, I asked about him.

Q124        Right.

A           Yeah.

Q125        O.K.

A           That was the first time I knew about it.

Q126        Yeah. O.K. ....

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Q127        ..... when you were asleep in your bunk, and you  
             say Bruce was underneath you, was he in a bunk?

A           Yeah. The way it works is, I was up in the .....  
             that was above him - - -

Q128        Yeah.

A           - - - and then there was another one underneath.

Q129        All right.

A           Yeah.

Q130        All right.

A           And as the boat went over, 'cause the bunk that I was  
             on then became .....

Q131        .....

A           Yeah. Yeah. .... squeeze out from underneath  
             there.

Q132        And you said you had to pull him out, was he crushed by  
             anything or what .....

A ..... there was a lot of gear on top of him, I think it might have been sails and things like that. he was half way out - - -

Q133 Yeah.

A - - - and there was a lot of water around him too, he basically, I could see he put his hand out to me and I pulled him out.

Q134 Did he complain of any injury then?

A No. He didn't.

Q135 Was he talking or was he - - -

A Yeah. He said, he said something like give us a hand or something like that.

Q136 All right.

A So, he, yeah. He's, he spoke to me.

Q137 A couple of little general ones. Have you been in a rollover situation like that before?

A No.

Q138 No. Do you know if that boat has been?

A No. I've been in a situation where a boat's rolled on it's side and turned upside down.

Q139 Yeah.

A But it's only like ..... in the harbour situation.

Q140 Right.

A Which actually ended up sinking. But that was more like, because it was .....

Q141 All right.

A - - - get away from it.

Q142 Right, O.K.

A Yeah.

Q143 That's it, thanks.

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Q144 Is it fair to say that during the second roll that you would have been inside the cabin for most of the time, like, I mean, sorry, like, did you spend more time in the cabin than sort of outside the cabin between the, before the roll and sort of after the roll or -?

A Yeah. I was basically in, in the cabin the entire time the boat rolled - - -

Q145 Yes.

A - - - and the entire time it was upside down.

Q146 Right.

A But as it, as soon as it righted itself I went up the companionway to check on the other guys out on the deck.

Q147 Yeah.

A - - - on the deck.

Q148 O.K. And something I forgot to do in the very beginning was just to get your full name?

A Yeah.

Q149 Could you just give us your full name?

A Matthew Robert Sheriff.

Q150 And your date of birth?

A The 3rd or the 3rd, '73.

Q151 And your current address?

A 49 Alexander Street, Shearwater.

Q152 And what's the post code there?

A 7307.

Q153 O.K. Are you currently employed?

A Yeah.

Q154 And what sort of work do you do?

A I work as a agricultural researcher.

Q155 O.K. Can I just, I've just got a blank bit of paper here, can I just get you to redraw that - - -

A .....

Q156 Yeah. I'll give you Detective Steven's notebook, he's drawn the boat there.

A Yeah.

Q157 The way you done it there and you've indicated where the, the book was and where Phil's legs were and where the ..... was.

A Yeah. Yeah.

Q158 Can we just get you to also to indicate on the, the drawing where the crack was across the deck - - -

A Yeah.

Q158 - - - that you have mentioned. And you might just indicate where the holes were through the windows and .....

A O.K. ....

Q159 Yeah.

A And the mast, we actually had the stump of the mast out there, and the boom came like that, just laying down that way.

Q160 Yeah.

A The crack was running longitudely along the deck to

the, there's an aft bulkhead there, but that's across the inside of the boat - - -

Q161 Yeah.

A - - - ..... the deck, so it was running from the, there was a compass mount there and a crack running that way.

Q162 Yeah.

A And these bulkheads underneath the deck were also cracked. .... that way, just that front window there had a crack in it or a smashed hole.

Q163 Yeah.

A And I think there were also some cracks on this side of the deck, I just saw water coming in, in there after the first roll.

Q164 Right.

A After that, after the second one Rob was sitting about there, Phil was beside him.

Q165 Yeah.

A Feet over, his feet were just over the edge and his head was down sort of beside the traveller there.

Q166 Right.

A Rob had to hold the boat, tiller down and the boat, to keep it up into the waves.

Q167 Yeah.

A So, he couldn't do a lot to assist Phil. And basically I tried to drag him in, when I first went out and turn him on his side.

Q168 Yeah.

A That's pretty much all the locations of everything, but that ..... to where his feet were.

Q169 Yeah.

A And he had the main spinnaker brace caught around both feet.

Q170 Right. O.K. The time, can you sign that for us, could you, Matt?

A Yeah.

Q171 O.K. And just put the time, just put the 28/12 under that too. All right. That's fine.

A Yeah.

Q172 Is there anything further you'd like to say in relation to the matter? Anything you'd like to add or anything that you are concerned about, about the whole thing or -?

A Yeah. I was thinking like after that, yeah, well, we weren't aware of any, any assistance being delivered to us - - -

Q173 Right.

A - - - at all after that second, second roll.

Q174 Yeah.

A Because we're, we were unavailable to contact anyone.

Q175 Yeah.

A And we left off a number of flares which, which we weren't aware that had been seen by anyone.

Q176 Yeah. Yeah. O.K.

A So, that was the main difficulty after that.

Q177 We'll be looking into that anyway, so -

A Mm.

Q178 That's part of our investigation, just to, you know, see what responses were or what was happening, what didn't happen that sort of thing so -

A Yeah. And just the fact that we were unable to get a boat to assist us - - -

Q179 Yeah.

A - - - to come along side and assist us in to Eden was a bit disappointing too.

Q180 How many boats were there around you that you were aware of, that you were - - -

A Well, obviously there was Yendys, we were talking to.

Q181 Yeah.

A Probably would have been I'd be guessing, yeah.

Q182 Mm. How many in the race, do you know?

A A hundred and 15.

Q183 All right. What did the boat rate their chances so far as positions in the race, I mean was there ever, did you guys ever rates yourself a position in the, in the race or - - -

A ..... over the line?

Q184 Yeah.

A We would have crossed it mid fleet.

Q185 Right, O.K.

A Yeah.

Q186 And that's a happy sort of a result?

A Yeah.

Q187 As far as you're concerned or -?



A On handicap we would have done, possibly done well.

Q188 All right.

A I think we were coming 27th at one stage.

Q189 All right.

A Before that, well, in that main blow that came through.

Q190 Yeah. Yeah. O.K. Do you agree the time on my watch  
says now about 5.33?

A Yeah.

Q191 O.K. This interview is now concluded.

A O.K. ....

Q192 .....

A Yeah.

INTERVIEW CONCLUDED