

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston of the Sydney Water Police, and Matthew Sherriff. It's Monday, the 15th of March, 1999, at the Devonport CIB. And the time on my watch is now 5.02pm. Matthew, for the purpose of the interview, would you like to just discuss your, would you like to give us your full name, date of birth and your address?

A Yeah. My full name's Matthew Robert Sherriff, born on the 3rd of the 3rd, 1973. And I live at 49 Alexander Street, Shearwater, Tasmania.

Q2 And your occupation?

A Agricultural researcher.

Q3 O.K. And also present in the room and seated directly to my left, is Detective Senior Constable Gray of the Bega Detectives. Matthew, as I spoke to you earlier prior to commencing the interview, I mentioned to you that Detective Senior Constable Gray and I are making inquiries in relation to the Sydney to Hobart, 1998 Sydney to Hobart Yacht Race. And do you agree that you spoke to Detective Senior Constable Gray in Eden back on the 27th of December, 1998?

A That's right.

Q4 And you discussed certain things about the race?

A Yeah.

Q5 And, and your involvement in the race?

A Mm.

Q6 And basically, could you just quickly tell me, for the purpose of the interview, what your position was on the Business Post Naiad?

A I was one of the bowmen.

Q7 O.K.

A With Shane Hansen

Q8 Have you sailed on the Business Post Naiad a number of times prior to the, that particular yacht race?

A That's right. I've been sailing approximately two years prior to that.

Q9 O.K. And how often, what sort of, on a regular basis?

A Probably too often. Yeah, once every weekend probably in the summer, yeah. And we did a Melbourne to Devonport and Melbourne to Stanley, those sort of races prior to the Sydney-Hobart.

Q10 And the owner of the yacht is Mr Bruce Guy?

A That's right.

Q11 And you've gained quite a relationship with Mr Guy prior to the race and you spoke freely with him about a number of issues about the boat, did you?

A Yeah, yeah.

Q12 Yeah. O.K. The, with the history of the vessel, can you just explain a few things about the measurements of the boat, or was any alterations made to the boat prior to the commencement of the Sydney to Hobart Yacht Race this year?

A We did a lot of work on it prior to, as far as I know it was built in '84 and Bruce bought it probably four

years ago, and when he bought it, it was basically a stripped-out racing boat, inside. He did a number of alterations to it, put in some lockers and engine cover and a huge amount of internal structure inside. Yeah, so we did a fair bit of work on it.

Q13 O.K. And in that time, was any lead removed from the keel?

A Not from the keel itself as far as I know, but I think there was some internal ballast removed from inside the boat.

Q14 O.K.

A Probably 300 kilos if I remember rightly.

Q15 About 300 kilos.

A Mm.

Q16 And do you know - - -

A It was the equivalent of what he put in, into the boat in terms of, of, like, there's fittings, that type of thing.

Q17 Do you know where that lead might be now, that was, that was taken from the boat?

A No.

Q18 O.K. Are you aware of the IMS ratings or PHS rating of a vessel?

A I have some, yeah but I wouldn't say I was an expert at, on any - - -

Q19 O.K. But in your words, what can you tell me about the IMS rating of a vessel in a category 1 yacht race?

A As far as I know, basically used is the shape of the

boat and the measurements of the hull, that type of thing, to, to give that boat a rating which it should sail to over, it's a speed rating over time. So you should cover a certain amount of nautical miles every, every hour or whatever the measurement you're using.

Q20 Right.

A And it's what you use to then work out handicap ratings and it also takes into account, the effects of current and wind, environmental factors.

Q21 O.K. And are you aware of what the stability index of the Business Post Naiad might have been?

A No. I know that we did take the mast out, we put the mast back in after, 'cause the mast was taken out and refurbished totally, put it back in the boat and then we pulled it out again to weigh it, because I know that made some difference to that handicap. But I don't know any more detail than that.

Q22 Do you remember where the, what, what date the mast was removed and weighed?

A I missed that working bee, so it was, yeah, would have been, I'd be guessing, but, August last year.

Q23 August last year.

A Yeah.

Q24 So, prior to the race?

A Yeah. Definitely.

Q25 Did Mr Guy discuss any particular reasoning why that, that mast had to be measured, in particular?

A The reason I was given was that, something to do with

the weight of the mast actually improved because, whether it was the mast was heavier than, than, I don't know, but it improved our handicap.

Q26 O.K. Are you aware of the IMS stability rating that a vessel must comply with prior to entering the Sydney to Hobart Yacht Race?

A Mm.

Q27 And could you tell me what that is?

A I know the general idea behind it, but I couldn't say what the actual figures were, or, it's basically the fact that the boat's got to be self-righting if it capsizes, as it should have enough positive buoyancy and, yeah, in the keel to bring it upright again.

Q28 Would it be fair to say that if there's a stability index of 15 degrees, would you agree with that?

A I couldn't, I wouldn't have a good enough understanding of it to comment.

Q29 Yeah. Correction, that would be 115 degree.

A Yeah. That's a bit more logical, but -

Q30 Yeah, not 15, 115 degrees.

A Yeah. It basically means that if the boat's laid over to a point of 115 degrees, it should be able to right itself.

Q31 Yeah. Did Mr Guy ever discuss what the stability rating was on the Business Post Naiad?

A No. Actually, a lot of this is just through, not directly through Bruce, but through other members of the crew, a discussion of taking the internal ballast

out, that type of thing.

Q32 So, prior to the race, people didn't sit around and discuss how stable the boat was, or, or it's actual stability rating, or anything like that?

A Not to my knowledge. They may well have done while I wasn't there, but I don't have any recollection of it.

Q33 All right. And were you ever aware that the boat was measured on the 18th or round about the 18th of the 7th last year, 1998?

A Yeah. If I remember right, I think Richard Fisher was going to measure it for Bruce around that time.

Q34 M'mm.

A I couldn't be sure of the actual date itself.

Q35 All right. And were you present at the time that that was done?

A No.

Q36 Have you ever been present at the time the vessel was ever measured?

A No.

Q37 Are you aware, Matthew, if Phil Skeggs had any knowledge of the stability rating of the Naiad?

A Not to my knowledge. He could well have done, he may not have done.

Q38 A short moment ago, you mentioned that you had discussion, the discussions about removing ballast?

A Mm.

Q39 And you talked about stability and that sort of thing?

A Yeah.

Q40 What was, what were those discussions? Can you recall what they were about?

A It's mainly when I was sitting on the rail going across in the Melbourne to Stanley race. One of the crew, Steve Walker, felt that the boat wasn't performing as it normally would have done, because he mentioned that Bruce had taken this internal ballast out. So, he felt that it wasn't going windward as well. It wasn't actually having enough momentum to power through the waves as it used to. But that was basically where the, where the first mention of it was, to my knowledge.

Q41 And that was after the ballast was removed?

A That's right. It was in the Melbourne to Stanley race which was November, the long weekend last year.

Q42 Are you aware of when the ballast was taken out?

A No.

Q43 No.

A I'd imagine it was - - -

Q44 But certainly you think sometime before November?

A Yeah.

Q45 '98?

A Yeah.

Q46 Right. As crew member on board a yacht, is it fair to say that when you hop on to a yacht to go into a race, that you automatically assume that everything's correct so far as stability and safety and all that sort of thing?

A That's right. It's a Far 40, it's well known ocean

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racing design, been around for a long time, and I didn't have any reason to question the integrity of the boat or the stability of it.

Q47 O.K, that's fine. Right. Matthew, is there anything else you'd like to add to this interview, prior to its finish?

A I don't think, that's pretty much covered it from, from my end.

Q48 O.K. you said something about Steve Walker was unsure about it. Can you sort of expand on that to me, or -

A Basically, it's the performance of the boat. He didn't feel it was performing as well as it had been prior to having the internal ballast removed.

Q49 Right. And you were on board that time?

A Yeah.

Q50 In your experience, did you notice anything about the boat?

A Well, no, I couldn't say one way or the other.

Q51 Do you possess sufficient experience to notice any difference?

A I'd say I would do, but being only sailing that boat for, say, 12 months prior to that, I wouldn't, couldn't say with any certainty that it was performing far, worse or better.

Q52 Did Steve Walker ever suggest to you or any of the crew that you should put the lead back in?

A No. He didn't actually, no, not in those words. I

think the implication of what he was saying to me was that it might be a better idea. But - - -

Q53 In your words, what do you think Steve was trying to say to you, though?

A It's basically just the fact that he felt the boat would have performed better with it in, with that lead in it, under those conditions.

Q54 And what were the conditions like at the time?

A Melbourne to Stanley, it was probably about 25 to 30 knots hard on the nose most of the way across. It wasn't a big swell, fairly short, sharp chop.

Q55 Was there any instances where the vessel performed adversely in those conditions?

A No. There was certainly, there was certainly no, yeah, there was no less control over the boat or there wasn't any less steerable or controllable, due to that being taken out.

Q56 O.K. Well, the time on my watch now is 5.14. This interview is now concluded.

INTERVIEW CONCLUDED