

SENIOR CONSTABLE UPSTON

- Q1 This is an electronic record of interview between Senior Constable David Upston of the New South Wales Water Police and Bob Silberberg at the Australian Maritime College in Launceston. It's Monday, the 20th of the 9th, '99 and the time on my watch is now 2.38pm. Bob, for the purpose of the interview, could you please state your full name?
- A Robert John Silberberg.
- Q2 And your date of birth?
- A 25th of the 3rd, '40.
- Q3 Your address?
- A 22 Ernest Street, Beauty Point.
- Q4 And your occupation?
- A Retired shipwright.
- Q5 O.K. Thanks, Bob. As I explained to you earlier, I'm here making inquiries in relation to the 1998 Sydney to Hobart Yacht Race and speaking to people either directly or indirectly involved in the race and where I come to speak with you is in relation to the yacht Business Post Naiad which sailed in the 1998 Sydney to Hobart Yacht Race, as you're aware, and of course came to grief and two sailors lost their lives on the, on that particular boat. And I understand that you were the safety officer here in Tasmania and in fact issued a certificate, a safety compliance form. Is that correct?

A Yes, that's correct. I inspected Business Post Naiad on the 17th of October, 1998 to make sure that she had all the required gear as per the A.Y.F. Blue Book.

Q6 O.K. Just prior to moving on with that, Bob, can you please give me an indication of your qualifications as a shipwright?

A Yes, I served my apprenticeship at Markham Dockyard in Sydney obtaining shipwright and boatbuilder qualifications, back in 1962 I finished my apprenticeship. So I've been involved with it all the rest of my life.

Q7 O.K. And you've built a number of vessels yourself, have you?

A Yeah. I have built wooden vessels and done a lot of repairs to them, I owned my own slipway for 17 years at Beauty Point, so I think I've got a reasonable knowledge of wooden boats - - -

Q8 O.K.

A - - - and fibre glass, well, all types of boats.

Q9 Right, right. And of course as a shipwright that in fact across, determination of, different boats, you work on different boats all the time?

A Yes.

Q10 O.K.

A Yeah. Everything, from steel, timber, fibre glass, ferro cement, plywood, yeah, the whole range.

Q11 O.K. And not only just yachts, power boats as well?

A Power boats, fishing boats, the tall ship, Defender, auxiliary ketch, Defender, that's operated out of Launceston, I helped restore her and the Alma Dopple in Melbourne.

Q12 O.K. And as a safety inspector how did you come about being approached to become a safety inspector and, and what were your requirements for that position?

A I was asked to do it 20, over 20 years ago by my yacht club, Yacht Club, as their safety compliance officer. The reason for it, they felt because being a shipwright and my general knowledge of safety equipment and safe boating practices, having been involved with boats all my life, so they asked me to do it. I haven't actually done a practical test as such but I have also done safety inspections for vessels in the Three Peaks Yacht Race as well as vessels for Sydney-Hobart, Sydney, oh, Melbourne-Hobart, Melbourne-Devonport and cruising people have asked me to make recommendations, what I think they should do on their own boats.

Q13 Mmm. As, to, to become a safety inspector for yachts participating in races, does one have to undergo examinations?

A Not at a national level, safety officers are appointed, well, in Tasmania safety officers are appointed by the club. And we work, talk to one another for advice, they, a lot of them nowadays ask me for advice if there's a new officer. But generally because Tasmania

is such a small place we know what's doing with safety officers. If, if somebody's got a doubt about a certain yacht from another club, they'll ask me what I think, I'll have a talk with the person that did the safety check or just have a look at the boat myself and then, if necessary, they'll protest on what the boat's doing, not doing, that sort of thing.

Q14 And generally you would have an intimate knowledge of the boats that you do a safety inspection on because of that, that closeness that you might have with, with the yachting fraternity down here. Is that correct?

A Yeah, yes, even in the Three Peaks there were boats coming from all round the place and, including the mainland and yeah, I had no problems. If I thought they needed something doing I'd say, Right, do it because it didn't worry me who the hell they were, whether it be Navy, Army, which we've had here, if I wasn't happy with what they had, yeah, I'd, what I considered to be a reasonable standard because I looked at it in this light, would I accept it if I went to sea on that vessel.

Q15 Right, right. I'll show you a safety certificate compliance form here for category 1 and 2 vessels. Is this the certificate that you filled out for Business Post Naiad to enter the Sydney to Hobart Yacht Race?

A Yes, yes, this is a copy of the one that I did back on the 17th of October for Business Post Naiad.

Q16 And is that your signature that appears at the bottom of the form?

A Yes. That is mine and also Bruce Guy countersigned it as the owner of it when I did the inspection.

Q17 O.K. Now I understand that, prior to conducting the interview we spoke and you, you mentioned that the vessel was previously known as Swazzle Bubble.

A Yeah.

Q18 And you knew it as Swazzle Bubble?

A When Bruce bought it, when it first arrived all the gear was still branded Swazzle Bubble as per the A.Y.F. regulations where everything's got to be branded.

Q19 Yeah.

A And yeah, Swazzle Bubble 4, I think.

Q20 Mmm.

A But I know it was Swazzle Bubble.

Q21 O.K. And on the vessel there, you told us, you told me that there was a number of safety items, personal flotation devices which the, otherwise known as life jackets, and you were unsure about these life jackets and you, you did certain things. What, what happened?

A Yes, I, when I did, first did an inspection or when Bruce presented it for inspection it had New Zealand made P.F.D's on board. My immediate reaction was, is the New Zealand standard the same as the Australian standard? And nobody could give myself nor Bruce Guy an indication as to whether they met the Australian standards. So Bruce ended up because of that buying a

complete set of P.F.D's to the Australian standard, 1512. Because he said, Well, if nobody can give me a definite answer I'll go by the Australian standard.

Q22 So that was something that, that you are very strong about. You also mentioned to me that the mast heel, which is the step of the mast where it's secured to the keel of the boat, it wasn't secured and you in fact told me something there as well?

A Yes. That was another thing that I found, that the mast hadn't been secured as per the Blue Book, which states that all keel step masts have to be secured. And I think in Business Post Naiad's case it was vindicated by the fact that after losing the top half of the mast and all the rigging, there was still the stump with the boom and sail attached and when it did the second roll that was still intact. If it hadn't have been fastened that wouldn't have been there after the second roll. So, yeah, that was something else that had been missed in previous inspections before Bruce had it.

Q23 Right. Now was, was Bruce a very safety conscious person that you're aware of?

A Yes, yes, that's one thing I will give him. Any recommendations that I've, or suggestions I gave to him he discussed it with me and usually he put them into practice. So yeah, I would say that he was very conscious of his responsibilities as owner/skipper of that vessel.

Q24 Bob, have you ever knocked a vessel back from entering into a race through a safety certificate non-compliance?

A Yes, yes.

Q25 How often would you have done that?

A Not very often, they're minimal, I wouldn't be able to put a figure on it but yes, I have done it or I have stated that until they brought it up to standard they wouldn't have a certificate and for a lot of the offshore races they've got to have the certificate before they can go in the race. And if they, there's some people thought that I was too hard, but it didn't worry me because I looked at it that it was other people's lives at risk even if the skipper wasn't interested. But I was sort of looking after the interests of the crew and yeah, I've, I have refused to give certificates until they complied.

Q26 Right. O.K. Now just going back to this certificate now, there's a number of ticks and checks on this certificate. You personally went through all of these items on the boat and found that they complied in accordance with the certificate - - -

A Yes, I did. Even, or though I do the boats every 12 months, which they've got to do, I still get them to, get all the stuff out or show it to me so that I know that it is there when I do the safety check. And even when I've done Bruce or when Three Peaks Race, if I've issued one in October, they've still got to do them

again with the Three Peaks Race, even though they might have a current one they've still got to do them again.

Q27 Right, right.

A So I personally check everything that's there.

Q28 Do you have a look at the ballast on board the boat at all?

A No. That's not part of my duties. I have just got to make sure that anything that is, can be flung round, like, anchors, chains, that sort of thing, fuel tanks, are all securely fastened. If they have got internal ballast in them that it is securely fastened, yes, but not ballast as such, just to make sure that it's securely fastened, the ballast side of it, that comes under the rating certificate.

Q29 Right. Did you check to see if, that there was any, there was any internal ballast?

A That I can't say. I looked under the floors to make sure that, but as far as internal ballast, no, I've, I couldn't honestly say that, whether there was or wasn't.

Q30 Right. Whereabouts do you think, where, where did you look under the floors?

A At various stages prior to issuing the certificate Bruce was doing work on board getting it up to speed for the race and everything was out of the boat basically so, and I didn't see any loose ballast or - -

Q31 Mmm.

A - - - in the boat at all.

Q32 So you don't recall seeing any lead ingots lying in the hull?

A No.

Q33 O.K. What about the, the anchors? You saw the anchors secured?

A They were securely tied in, yes, just where they were now I can't remember, but yeah, they were all tied in. That was something that I used to make sure was done and, as I said, with any other heavy equipment made sure that the things were secure.

Q34 Right. O.K. Well, that just about covers everything that, at the moment, Bob. Is there anything that you could add to the interview that you feel may be of assistance to us as a result of safety items and the like?

A I, I think that maybe the life raft manufacturers could assist in supporting the Yachting Federation nationally with training of crews how to use life rafts. Different attempts have been made, but it's been at an exorbitant cost. I feel that if life raft manufacturers donated a life raft to each yachting association in Australia and met the cost of maintaining it so that the crews can train at their own yacht clubs that, getting in and out of them and righting them with their full gear on. Harnesses, I think the, they've got to be looked at in relation to the clips, the types of clips, with the strains that

have been put on some of the harnesses I, I've seen harnesses that have stretched, the clips have actually, not the harness itself, the clips have stretched because of the strain that's been put on them. Others are just jammed, you can't undo them. I think this has to be looked at. But apart from that, I think the standards, life jackets, they vary, I have knocked back P.F.D's that haven't got the Australian standards, that have not met the Australian standards. There are companies I know of that have refused to pay to the Australian Standards their fee that they want. It occurred in one Three Peaks race where a yacht from Hobart came up to Beauty Point. I refused to accept five brand new P.F.D's on that yacht because they didn't have the Australian standard by a well known manufacturer. And I was called all the names under sun including by the provider of those jackets in Hobart who actually when I went in to see him spoke to the company in Sydney who informed me that they make their jackets to the standard. So I said, It hasn't got a 1512, A.S. 1512 on it, end of story. I said, I do not recommend, I'm involved in training, if a jacket hasn't got 1512 or 1499, which is the P.F.D. 2, I don't recommend them.

Q35 Right.

A So yeah, I, I feel that there has to be a standard maintained and I also feel that flare manufacturers are ripping off the system - - -

Q36 Why - - -

A - - - by not guaranteeing their equipment for more than 4 years. Properly stored in their sealed plastic containers, this is only a personal opinion, but I have seen failures with brand new ones yet flares that are 20 years old still in sealed plastic that the manufactures are still good. Maybe it's insurance purposes with the manufacturers but I feel that they should be able to give a better service to yachts with a longer expiry date because quite often when you buy them they're a couple of years out of date already, but you're still paying new price. And I feel that more people would carry them if they were able to use, or well, that more people would participate in things if they didn't have the expense every 4 years of buying new flares.

Q37 Mmm. Mmm.

A But the flares themselves, yeah, are good, I've got no complaints about them except I feel that there should be a longer useable date because of the experiences which I've had with demonstrations and that with flares.

Q38 Mmm.

A Yeah, there is a point where they should be banned but I always tell people never to throw flares away because the new ones you've got mightn't work and the old ones will.

Q39 Mmm.

A And the more you've got, the better, anyway. So that's
- - -

Q40 Right. All right then. Well, is there anything else
now that you can think of?

A No, I don't - - -

Q41 No? All right, Bob. The time on my watch is now.
2.57pm. This interview is now concluded.

INTERVIEW CONCLUDED