

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston of the Sydney Water Police and Henry Finnis, the day is Thursday, the 11th of the 3rd, '99, and the time on my watch is now 3.57. For the purpose of the record, Henry, would you like to state your full name, date of birth and address?

A Yeah. I'm Commander Henry Alexander Finnis, and I live at 5 Lowelley Road, Lindisfarne, 7015, in Hobart, and my date of birth is the 5th of July, 1949.

Q2 And your occupation, please?

A I'm a commander of the Royal Australian Navy, and my current job is Senior Naval Officer at the navy headquarter in Tasmania.

Q3 And how long have you been with that navy?

A I joined the royal, the Royal Navy in 1968, and then transferred to the Royal Australian Navy in 1982.

Q4 O.K. Henry, as I spoke to you earlier, prior to conducting the interview, I am making inquiries into the 1998, Sydney to Hobart Yacht Race - - -

A Yes.

Q4 - - - in relation to the deaths of four seamen, and still two missing.

A M'mm.

Q5 And anything that may touch on the Sydney to Hobart Yacht Race, and the incidences either directly or indirectly as a result, and I understand you took part in the Sydney to Hobart of 1998. Could you tell me the

name of the vessel that you were on?

A Yes, I, I was the, ..... master and watch leader on the North Shore 38, Tartan, owned by Mark Ballard from Sandy Bay in, in Hobart.

Q6 O.K. Now what is your sailing experience apart from your navy experience?

A I've been sailing since I was a young lad, back in England, started ocean racing when I was about 16. I did a lot of racing in the channel, in England, and then raced in the Admirals Cup series, in my 20s, did the 1979 Fastnet, which was the, the bad one, as skipper of one of the Royal Navy yachts, and there was some ..... in that race. Since then I've been ocean racing pretty much throughout my life, both in England, Canada and in Australia since I've come here. Took part in the Whitbread Round The World Race on a Royal Navy crew, back in the late 1970s, and in Australia, I've raced from Sydney in a number of yachts out of both the, Royal Yacht Club and from the Middle Harbour Yacht Club. Also in my own racing yacht, in-shore racing, in Sydney as well, over many seasons, while I was based in Sydney. My off-shore experience with the Sydney Hobart Yacht Race, I did the race in 1982, in a Far 1104, called ....., and I was programmed to do the race again in about 1992, in one of the Royal Australian Navy yachts, but we didn't make it that time, and then of course this last one in 1998, Sydney Hobart as well. I've got extensive experience

yachting, both in-short and off-shore, dinghies and ocean racers.

Q7 M'mm.

A And I guess serving just about every position that you can serve on, on a ocean racing yacht.

Q8 O.K. Well let me take you to the 27th of January  
- - -

A Yeah.

Q8 - - - you obviously started the race, you commenced the race, and left Sydney Heads, and were travelling down the coast, and the race of course commenced at 1.00pm, on Boxing day - - -

A Yes.

Q8 - - - that's 19, of 1998.

A M'mm.

Q9 And what can you tell me about the weather conditions and the sea conditions that you started, or experience on the 27th, and can you give me a time or an estimated time that these conditions started?

A Yes, I can. Essentially on the 26th we had a very fast run down the New South Wales Coast, in a strengthening noreaster. The wind was increasing to about 20, 25 to 30 knots, from the north east. Conditions for racing were ideal, and all, although the yacht at the time was, was relatively difficult to keep on a steady course without broaching, it was, it was obvious that it was going to be a very fast run. Towards the evening of the 26th, pretty much on sunset we, we could

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see that there were thunderstorms forming, both over the coast and out to sea, with quite a lot of lighting and, and rain. And that was the herald really of the front that we expected to come up the coast. The north easterly conditions, the north-easterly winds increased as we came towards those thunderstorms, and in fact I was on watch at the time, in between the, that was about 11.00 at night. We went through between these thunderstorms and I went off watch and down below. And the, it started raining, and very quickly, during the middle of the night, I guess it would've been sometime between midnight and 2.00 in the morning, the southerly came in as we expected, and it came in quite strongly about 18 to 20 knots initially then increasing beyond that. There were a number of sail changes, other than saying changing to the headsail, of course, which we, we did as the southerly came in, and we ended up changing down, gradually through the sails and then putting reefs in the main. At that time, it was pretty much what you would normally expect as a southerly change come up the coast. What we were not aware of at the time, was what was happening to the low pressure zone down in Bass Strait. We were aware it was there, what we didn't know was what it was going to do. The broad expectation that we had was that the, the low pressure area, which was passing through Bass Strait, would probably continue to the east. We would then have a fairly steady to slightly increasing southerly

air stream, and in fact it was a more of a south, south westerly air stream, which would increase to 30 to 35 knots or so, which is pretty much what one would normally expect. However, later that morning, towards sunrise, it was evident that those conditions were not improving at all, they were actually increasing, the winds, wind strengths were increasing and the, the sea state was increasing quite dramatically. When I came back up on deck that morning, early in the morning, the, the winds were up around 35 to 38 knots, we were down on a number four, and the main was reefed right down with three reefs and we released. We had uncomfortable conditions with a short steep sea, coming from the south, south west. We were still making pretty good speed across the water, but we were making very slow ground, across the ground itself. Part of that was probably caused by the fact that we had a southerly current at the time, which was against the sea, which of course has a tendency to built the seas very quickly, making it short and steep. As the, the morning progressed, early morning progressed, Mark Ballard, the skipper and I, had a, a couple of thought's about what was going on generally, and we listened into the, to the radio sked reports, which were coming in from yachts which were well ahead of us at the time. On those reports we were beginning to get indications at that time of, of quite severe conditions south of Gabo Island. I remember particularly a report

coming through from Rager, of experiencing winds of 60 to 70 knots across the deck, and, and extremely rough conditions. Reports from other yachts down in that area, were also indicating that the conditions were severe if not extreme at that time. And when we, we listened to the, to the continuing report that went on, we, we began to get a feeling that rather than just on the radio skeds, yachts were actually coming up in between the skeds calling, calling the weather, and it, it was clear that some of the larger yachts were calling the weather in between as a bit of a warning to some of the smaller yachts, which were further behind. Mark and I had a discussion, we looked at the weather, which was not looking good, we were about 52 miles, I think, east, north east of Eden, at the time, and having heard the reports from the yachts further south, it became apparent, certainly to me that the, the low pressure area which had moved through Bass Strait was rapidly forming into a classic east coast low.

Q10 Yeah.

A Now, those east coast lows do occur from time to time, I, I had a lot of experience ..... I was captain of HMAS Fremantle, going up and down the coast, and then operating in Bass Strait. And the conditions which appeared to be forming, were ones of a, of a low pressure area, which was becoming stationary on the very eastern edge of Bass Strait. What tends to happen with those lows is they, they then tend to deepen, with

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increasing wind strengths around them. I had a discussion with Mark at the time, and with the others and he concluded and I think quite rightly at that time, that in the interest of crew safety, that our best thing was to seek shelter in Eden at that point. The, the yacht itself wasn't suffering from any major structural problems at all, and because it's a particularly well maintained yacht, I think probably had a good chance of, of staying together extremely well, even in extreme conditions. The problem was, of course that, with a yacht of 38 feet, it turns into a bit of a washing machine inside, and crew safety becomes a major consideration. We reported in to Telstra control that we were initially, we said retiring from the race, but we were, a combination of that and seeking shelter really. And we altered course for Eden. We were making about 6 knots through the water at the time, and we were making about 1 knot over the ground, and that was largely caused by the very short steep seas that were coming from the south, south west at the time. The, the decision to withdraw to Eden was based upon what we were seeing around us at the time, partially based on my experience of having been down there a lot of the time, in HMAS Fremantle, where conditions I know change from rough to quite severely rough in a very short spaces of time, based on the reports we were getting from other yachts that they were encountering very heavy weather, and based also on

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the crew experience that we had at the time. I was the only person on the yacht, in a crew of eight who'd done a Sydney Hobart before, and the only one with long distance ocean racing experience. The remainder of the crew, and we've been sailing together for about a year, all have ocean racing experience but not on distances the length of the Sydney Hobart, the yacht had of course sailed across Bass Strait on the way up, with some of the crew. The, the decision to retire to Eden was more based, I think, upon crew safety and in acknowledgment of the relative experience of the crew that we had on board at the time. We weren't out there to break records, we were out there to get there in one piece at the other end. At that time we were actually doing very well, I believe we were fourth in our division at the time.

Q11 M'mm.

A And I know that there's always that balance between doing well and, and not pulling out and using if you like one's seamanship knowledge.

Q12 Mm.

A But I've been around the sea long enough to know that you can't beat it.

Q13 Yeah.

A And so that was the right decision to make in my mind.

Q14 Right.

A We continued to hear reports from other yachts as we progressed towards Eden, and once ..... Eden



across, overnight on the 27th and during the 28th, that, that it became apparent that the conditions that we would've been sailing into were indeed quite severe.

Q15 M'mm.

A And how that would've affected us had we been out there it is extremely hard to say.

Q16 M'mm.

A But there's little doubt that with the uncertainty of the weather that we had then, it was the correct decision to make.

Q17 All right.

A I think that the conservative approach is, is probably the only approach to make in those sort of conditions. The drive to win is important, it's an important aspect of ocean racing, but, all too often I've been on the other end where you have to go pick people up.

Q18 Mm.

A And certainly had it been me, in command of, of the yacht itself I would've made the same decision.

Q19 Mm. All right. All right. Just a couple things that I'd like to ask you ..... Did you attend the weather briefing at the CYC prior to the race?

A Yes. Yes I did, Mark Ballard, the skipper, myself and our navigator, all three of us attended that briefing.

Q20 All right. And you were happy with the information that you received from the briefing?

A I think that the, the briefing certainly provided some information, it did provide information on the models

that were available at the time, the weather modelling, models that were available at the time. The, the briefer acknowledged the, the possibility that east coast lows do form - - -

Q21 M'mm.

A - - - he said east coast lows do form, and he did give a pretty reasonable brief, I think on the conditions at the time. It was my feeling that the, the brief probably was a little less detailed than I would have liked. That, that in my professional opinion.

Q22 Yes. Right.

A I would expect my navigator in a ship to give me a better brief.

Q23 Yeah.

A Because it drew a number of pictures for the people at the briefing, from different models, different weather models.

Q24 M'mm.

A But those pictures gave different, gave rise to different opinions on what might happen.

Q25 Yeah.

A We all knew there was gunna be a southerly change.

Q26 Yes.

A There was little doubt of that, I don't think that it was apparent to anybody certainly it wasn't apparent to me at that briefing that that southerly change and the associated low that formed with it was going to be nearly as severe as it was.

Q27 All right. All right.

A The, subsequently I don't think we ever really, certainly on the run down the coast we never received information, and we didn't have a weather fax on board, we never received information that suggested that the weather conditions were gunna be as severe as they were, as we went down the New South Wales coast. As I say we know there was gunna be a southerly, but we certainly didn't expect it to be anything like that.

Q28 Right.

A We were fortunate in that we were a smaller yacht, we were further back in the field, and we were well positioned to go into Eden.

Q29 Mm.

A Of course, those yachts that were further out and found themselves in the middle of it - - -

Q30 Mm.

A - - - had gone so far by then - - -

Q31 Mm.

A - - - they the found themselves in the middle of it all - - -

Q32 Mm.

A - - - and by then of course, it was too late.

Q33 What was the greatest wind conditions that you experienced, and perhaps were logged on instruments on board?

A I think it was gusting to about 40, 43 knots, I think, 40, roughly 43, 43 or 44 knots, that was just as we

were going up towards Eden.

Q34 Mm.

A It didn't really get above that for us.

Q35 Yeah.

A The, the instrumentation of course, in a yacht of that size becomes somewhat less that accurate - - -

Q36 Mm.

A - - - once you get about, get above about 35 or so.

Q37 Mm.

A Because of course the boat's moving around so much  
- - -

Q38 Mm.

A - - - but about 40, just over 40 knots. ....

Q39 From, from what you gleaned from other vessels - - -

A Mm.

Q39 - - - that they were obviously experiencing greater wind condition than that.

A Absolutely, and, and that, greater wind conditions and much worse sea conditions.

Q40 Yeah.

A Which had, that certainly influenced us to make a decision to seek shelter,.

Q41 Yeah.

A Mm.

Q42 Yeah. And you were quite happy with receiving information from those vessels indirectly through radio broadcasts that they were in fact experiencing greater conditions than you were in at the time?

-  
A Yes, I, I was happy that we were getting that information, we were hearing it directly from them.

Q43 Yeah.

A In some instances when they called in, sometimes we were getting information through Telstra control, who was passing the information that there were greater winds being experienced, there, there is balance in three I guess, between passing information which is likely to assist other yachts, which is one of these racing rule things and safety at sea. In my book safety at sea comes first.

Q44 Yeah.

A But that's, because of what I do.

Q45 Yes, yeah.

A It is, it is beholdent on, on, on people at sea to, to provide that safety information to others, when they know they're there.

Q46 And, and you believe it's quite evident that these reports - - -

A Mm.

Q46 - - - were as a matter of safety and - - -

A Certainly.

Q46 - - - and not so as, as a matter of perhaps giving some either - - -

A Yes.

Q46 - - - unfair or, fair advantage to others?

A No, it was quite clear to me that the larger yachts who were out there were doing the right thing, and there

were passing weather information, because they knew that there was a fleet of smaller yachts behind them, and that was to my mind the responsible thing to do.

Q47        Yeah.

A        And I think, I would commend them for that - - -

Q48        M'mm.

A        - - - because that was the right thing to do.

Q49        O.K. And did anyone on board suffer any injuries at all?

A        No, no major injuries, we had the odd cut and bruise here and there.

Q50        Mm.

A        We had two members of the crew who were sick.

Q51        M'mm.

A        The navigator got sick at one point, but he was down below most of the time.

Q52        Yeah.

A        And on other crew member - - -

Q53        All right.

A        - - - who found that sea sickness was a problem - - -

Q54        M'mm.

A        - - - for him.

Q55        M'mm.

A        But other than that, no, the crew held up really well.

Q56        M'mm.

A        We had no major, no major injuries, no real minor ones in fact, partially, I think, because we were extremely careful, but also partially because we made the

decision to be, the tactical decision to withdraw at the right time.

Q57 Right. You mentioned earlier about the inexperience of the crew.

A Yes.

Q58 Obviously your experienced as - - -

A M'mm.

Q58 - - - you experience is, is far greater than probably most that have ever even, you know been in Sydney to Hobart's over a number of years.

A It's certainly more varied.

Q59 I'd say so.

A Mm.

Q60 Do you feel that perhaps your crew could have been, and this is a, in no way against any, any choice that the skipper has made - - -

A Sure.

Q60 - - - that they, they should've been probably more closely looked at?

A In terms of the scrutiny - - -

Q61 Mm.

A - - - of the crew beforehand?

Q62 Yes.

A There's, there's always a bit of a balance there, I think that one of the outcomes that came out of the '79 Fastnet race, was that there was insufficient crew experience and people had been joining yachts right up to, almost the start of the race.

Q63 Mm.

A In this particular case that was not the case, we had a crew that had been racing together for a year, and had reasonable experience off-shore racing, what I would term reasonable experience. I think that to my mind I think that greater attention could be paid to the level of experience on board yachts, and I do know that the Sydney Hobart does have certain requirements of experience. But, I, I would be a little surprised, well I am a little surprised, I guess, that there seems to be no problem at all in allowing a yacht, as in our case, which had nobody who'd done the race before, or race of similar length before, other than one.

Q64 Mm.

A There's a bit of a balance there, but a small crew of eight, I believe that you need more than one who's had that background experience.

Q65 Mm.

A Because at the end of the day one of you can't - - -

Q66 Mm.

A - - - run the boat.

Q67 Mm. But ..... - - -

A I would like to see two, as a, like a minimum of two as, as, as general rule - - -

Q68 Yeah.

A - - - I think.

Q69 As it was with your vessel though - - -

A Mm.



-  
Q69 - - - can you just recall the Sydney to Hobart experience?

A I can, yeah.

Q70 Could, would you like to just relate those, as far as the eight crew?

A How did the crew ..... I think the first part of the race that it was good, I think they, they were very excited about doing it, been working up to it for a long time, all of them were very keen to do it. I don't think that, and, and don't misunderstand me, but I don't think that the other's really understood just how different a long distance ocean race is, from ..... race.

Q71 Mm. Mm.

A It's, it's five or six or seven days of, of really hard work.

Q72 Mm.

A I think they did very well, but I don't think the necessarily understood the, that difference between long distance ocean racing and relatively short distance - - -

Q73 Mm.

A - - - ocean racing. I guess that's all part of the learning experience.

Q74 Mm.

A In the final event we actually had one crew member, when we went into Eden who's subsequently didn't come with us the rest of the way, because she was quite

badly affected by the deaths of those, those people who

- - -

Q75 Yeah.

A - - - who were lost.

Q76 M'mm.

A We had one crew member also who subsequently has decided that he doesn't want to ocean race.

Q77 Mm.

A Now, that, that is not uncommon - - -

Q78 Mm.

A - - - with people who haven't raced those sort of distances before.

Q79 Mm.

A They find that it's not the same as racing round the buoys at all.

Q80 Mm.

A And to be at sea in rough conditions can be quite a frightening experience - - -

Q81 Mm. Mm.

A - - - for people who haven't - - -

Q82 Yeah.

A - - - ..... that way, they, they tend to think, well it's always quite nice, well it looks that way out there, but in a small yacht - - -

Q83 Mm.

A - - - out in big seas and high winds that experience affects some people quite, quite adversely.

Q84 Right.

A Mm.

Q85 So there was yourself and the, and the owner of the boat - - -

A Yes.

Q85 - - - with Hobart experience?

A Just me.

Q86 Just you.

A He hadn't done the Sydney - - -

Q87 So - - -

A - - - Hobart before

Q88 So, in fact seven out of eight - - -

A Yeah. Hadn't done the race before.

Q88 - - - hadn't done the race before?

A No.

Q89 But, had done miles at sea - - -

A Yes.

Q89 - - - ocean racing before.

A M'mm.

Q90 But obviously not, not enough Sydney to Hobart.

A Not, not, certainly not Sydney to Hobart - - -

Q91 Yeah.

A - - - no. They'd done a lot of island races, ..... Island races, a Three Peaks Race, ..... done quite well.

Q92 Yeah.

A So they had experienced Bass Strait - - -

Q93 Yeah.

A - - - they had experienced the east coast of Tasmania

- - -

Q94 Right.

A - - - and down around ..... Island.

Q95 Right.

A And the boat had done very well - - -

Q96 Yeah.

A - - - in those races - - -

Q97 Mm.

A - - - extremely well. But none of them had actually crossed Bass Strait in a race before, and so none of them had done what I would term open ocean, ocean racing.

Q98 Yeah. Right.

A In other words, more than, lets say, 50 miles off land.

Q99 Off land.

A No.

Q100 O.K. Did you see any red flares at all?

A No.

Q101 No?

A No. We were probably A, too far back and B, probably went in earlier than most, we were one of the first boats in to Eden.

Q102 O.K. And did you hear any distress calls?

A No, we didn't, well we did subsequently - - -

Q103 Yeah.

A - - - when we were ..... in Eden.

Q104 So - - -

A Not, no, not while we were out there, we were probably

in Eden too early for that.

Q105 O.K.

A I know than we got to a stage where we did hear, when we were in Eden, there were EPIRBs going off everywhere, and this sort of think, and we certainly saw aircraft flying around and, helicopters and things operating. So the main part of that, that, that if you like the, the emergency part of the race occurred after we had entered Eden.

Q106 Right.

A 'Cause we took a decision fairly early.

Q107 Yeah.

A I was very happy that we took that decision because of the level of experience on board.

Q108 Yeah. O.K.

A Mm.

Q109 That's a fair comment. With the safety equipment

- - -

A Yeah.

Q109 - - - carried on board - - -

A .....

Q109 - - - and obviously the crew had been sailing together for 12 months - - -

A Yes.

Q109 - - - were regular safety demonstrations given to the crew on, on the flares, use of flares - - -

A Yeah.

Q109 - - - deployment of life rafts?

A           Indeed so, in fact, Mark Ballard is, was, is very meticulous about that, and he had people out doing demonstrations of how to deploy the life raft, how to deploy the man overboard gear, how flares worked and that, you went out ..... doing demonstrations and things for those.

Q110       M'mm.

A           He was also particularly good about making sure that people understood the need to be locked on at all the, at all times, and for people to wear safety harnesses, and, and, I, I would commend him for that. As a skipper he's was very, very conservative.

Q111       M'mm.

A           And took the conservative, safe approach, and people did know, we had safety briefings for people of where all the ..... were, where all the fire fighting equipment is, the pumps, how they all work, all that sort of stuff he went through.

Q112       O.K.

A           So, I'm, I was quite happy with that.

Q113       Yeah.

A           Mm.

Q114       With the safety harnesses - - -

A           Mm.

Q114       - - - obviously there's got to be certain types and  
            - - -

A           Yeah.

Q114       - - - and amounts carried for crew, obviously there was

eight safety harnesses - - -

A Yeah, the boat has it's own - - -

Q115 Yes.

A - - - plus the majority of us on board have our own as well.

Q116 Right.

A Yeah.

Q117 That brings me to the question, did you have, you had your own safety harness?

A Absolutely I have my own safety harness, and, and tied on straps.

Q118 Yeah.

A And, each, every single one of us had our own - - -

Q119 Yeah.

A - - - as well as the ones which Mark supplied for the boat itself.

Q120 Right. What brand is your own harness?

A Mm.

Q121 Do you know if off-hand?

A It's ....., I think. It was a brand new one I got from, from here in Hobart - - -

Q122 O.K.

A - - - I think it's a ..... one.

Q123 All right.

A Mm.

Q124 With that safety harness - - -

A Mm.

Q124 - - - that being your own personal one - - -

A Yes.

Q124 - - - do you know if that complied with any Australian standards?

A It certainly does, yes, complied with the, with the, with the standard, Australian standards for life - - -

Q125 Yeah.

A - - - for harnesses ..... And it was pretty much brand new, I think I got it, I actually picked it up from the ship chandlers about six weeks before the race.

Q126 Right. And - - -

A Everybody else's were the same.

Q127 Was the same as that?

A Yeah, they didn't necessarily use the same brand - - -

Q128 Right.

A - - - I, the, there are two different types, one is an inbuilt one, which, which is inbuilt into a jacket, Stormy Seas Jackets for instance, have an inbuilt life, harness in them. I don't favour those myself, I like a separate harness which is not ..... the jacket. Because the reason is, if the jacket comes off, the harness comes with it.

Q129 Mm.

A I wear a harness, put the jacket on, and I have a separate harness - - -

Q130 M'mm.

A - - - which comes on totally separately, and I wear it under the jacket - - -



Q131 Mm.

A - - - so that if you loose the jacket or you put your arms up and the jacket comes off, the harness is still firmly on you.

Q132 Right.

A One of the problems that there have been over the years with these integrated harness is that if somebody's jacket isn't done up properly and they loose their jacket, they loose the harness with it.

Q133 Mm. Mm.

A And that's to my ..... it's not acceptable.

Q134 Yeah.

A I think you've got to have a separate harness.

Q135 All right. With the, the safety harnesses that obviously that you, you've seen, especially with, you mentioned Stormy Seas - - -

A Mm.

Q135 - - - and all that sort of stuff - - -

A Mm.

Q135 - - - were any of your crew wearing that Stormy Seas?

A Yeah. One of the crew members had a Stormy Seas life jacket, or integrated life jacket, one with the inbuilt buoyancy vest.

Q136 Yeah. Yeah.

A At least one of them had that.

Q137 Mm.

A There, there are a variety of different ones, ..... all the crew had relatively new off-shore

weather gear.

Q138 M'mm.

A Mm.

Q139 O.K. All right. Is there anything else that you'd like to add that, about the race, about the way the race was conducted, about anything at all?

A I think, I think broadly speaking the, I think the conduct of the race is, was good, I think that the information supplied from the race control on board Young Endeavour is also particularly good, I know the captain, ....., who was the captain of the Young Endeavour, well. I think given my professional experience at sea, that there has to come a point in what is recreational sailing, where somebody has got, somebody who has the best information has got to take control and make strategic decisions on where you go, to leave, as we traditionally do, to leave those decisions entirely in the hand of the skippers of yachts, which I know the racing rules say, they are, and skippers are aware of that, is fine, but what that doesn't allow for is a situation such as we had, where some of those skipper, perhaps, may not have extensive ocean yacht racing experience - - -

Q140 Mm.

A - - - and neither may some of the navigators. And that's speaking as a naval officer.

Q141 All right.

A ..... And I think, I suppose one of my feelings

-  
is that there must come a point when the safety of, of people involved in those things must be the overriding consideration.

Q142 Mm.

A But whether or not you decide to call off a race, that's another matter I suppose, given the conditions that people found themselves in, calling off the race probably wouldn't have made too much difference - - -

Q143 Mm.

A - - - at the time. But I, I personally think that there, there is an onus of responsibility on, upon the organisation of the race ..... That, that's, that's my opinion.

Q144 To call the race off, or - - -

A Or whatever.

Q145 Or even perhaps to, to give authority of the skippers  
- - -

A Mm.

Q145 - - - maybe ..... overriding that?

A If necessary, I, there, there must come a point I think, when somebody's got to turn round and say, no, we're not going to continue the race - - -

Q146 Mm.

A - - - like it or not.

Q147 Mm.

A Because the problem that one's got in, in a ship at sea, or in a yacht at sea is you can see what's going on around you, what you don't know and what you can't

know is what's going on in the bigger picture.

Q148 Mm.

A And I think that there's probably little doubt that there was probably better information available, now I don't know exactly where that might've been, but I, I can't come to terms with the fact that there was not better information available on what was actually going on down there.

Q149 As a, in regards to the weather?

A Mm. Because information does come through regularly, we, we actually, we gathered information while we were in Eden, coming in from the oil rigs - - -

Q150 M'mm.

A - - - for example and that's where the weather was coming from.

Q151 Mm.

A The, the information from the coast guard comes through from the oil rigs as well, and they get regular reports, I, I just had a feeling that there might be that, a feeling within the sort of administration that once that race was running it was very much up to the yachts themselves to just make decisions based on what they could see around them - - -

Q152 Right.

A - - - and upon the weather information that was being passed. Now, whether or not that weather information was as complete as it might've been, was very hard for me to say, because I don't know weather, you know,

there was more information available.

Q153 Right. So are you saying that, that perhaps weather conditions experience by the oil rigs - - -

A Mm.

Q153 - - - could've been given perhaps by the coastal patrol or coast guard, whatever it may be?

A They were in receipt of that sort of .....

Q154 Then do you think that that would perhaps cause and unfair advantage to yachts that might not be in that area?

A If it's broadcast, I, I suppose you could argue that - - -

Q155 And that brings up back to the safety issue, doesn't it?

A Yes, it does. It's a question of what is more important, is safety more important or are the racing rules more important.

Q156 Mm.

A To my mind safety is more important.

Q157 Mm.

A But that's, as I say, that's my professional opinion.

Q158 Mm. But you don't know whether the coast guard, coast patrol had received weather information from the - - -

A No - - -

Q158 - - - oil rigs.

A I can't say whether they had or not, I know that we were able to source that information from the coast guard - - -

Q159        Yeah.

A           - - - at Eden subsequently, so that we could look at what was going on in the Strait and make a decision as to when we'd go back out there again to come back down to Hobart.

Q160        So you could in fact do that yourself?

A           .....

Q161        Outside the race?

A           No, the racing rules wouldn't allow us obviously to go to the coast guard and say, hey, pass us a weather report from wherever - - -

Q162        Right.

A           - - - we weren't allowed to do that.

Q163        Yeah.

A           We, we had, the weather information has been passed to us, by race control.

Q164        M'mm.

A           ..... in the skeds, plus what we saw going on around us, I mean these yachts which had things like weather fax and things could obviously receive that information.

Q165        Yeah.

A           Or Internet information. A lot of the smaller yachts don't have that.

Q166        Yeah.

A           We didn't have it.

Q167        Yeah.

A           And so we got to rely on, entirely on radio and, and

what we could see.

Q168 Yeah.

A And I think that need to be recognised - - -

Q169 Yeah.

A - - - that, that smaller yachts are going to be in that position. And may not have as much information as maybe available at race control or wherever.

Q170 M'mm.

A That is an element of ocean racing, there's little doubt about that. But, I think it need to be recognised, particularly when weather conditions become extreme, or it's apparent they are becoming extreme, I think recognition of the fact that there are going to be yachts out there which don't have access to that wider information, for safety reasons should be provided with it.

Q171 Mm.

A Because at the end of the day the object of the exercise is to get everybody there alive.

Q172 Mm. Mm.

A And at the end of the day it's only a yacht race.

Q173 Yes, yes.

A And, and so I think a more conservative approach is a good one.

Q174 M'mm.

A In my view.

Q175 O.K. The time on my watch is now 4.37, and this interview is now completed.

INTERVIEW CONCLUDED