

SENIOR CONSTABLE UPSTON

Q1 This is an electronic record of interview between Senior Constable David Upston and Jasper Bowering, on Saturday, the 31st of the 7th, '99, in South Australia, Adelaide, South Australia. The time on my watch is now 1.46, correction, 1.47pm. And also present and seated to my immediate right is Detective Senior Constable Rob Beatie, from the South Australian Police. Jasper, as I explained to you earlier prior to conducting the interview Detective Senior Constable Beatie and I are making inquiries into the 1998 Sydney to Hobart Yacht Race and I'm here to talk you in particular about your vessel that you were on, the Renegade and the 1998 Sydney to Hobart Yacht Race. And you were an entrant in that yacht race, is that correct?

A That's correct.

Q2 O.K. For the purpose of the transcription, could you please state your full name?

A My full name is Jasper William Rossiter Bowering. My address is 10 Drummond Avenue, Findon, in South Australia, 5023. My - - -

Q3 And your date of birth?

A The date of birth is the 10th of October, 1941.

Q4 And your occupation?

A My occupation is director of an irrigation company, Eagle and Hoyle.

Q5 O.K. Jasper, as I explained to you earlier, would you please like to read the statement that I've just given

to you, read it aloud, please.

A "This statement made my 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. 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 57 years of age".

Q6 O.K. And you agree with that statement?

A I do.

Q7 O.K. Jasper, now, I'll take you to the Sydney to Hobart, starting in Sydney, on the 26th of December, last year and you were on the yacht, Renegade. Who owns the vessel?

A The yacht is owned by Bob Francis, here in Adelaide. He's actually built the boat in about 1980, I believe.

Q8 And you were going to sail as a crew member on the yacht?

A I was going to sail as a crew member, I've actually been sailing on the yacht now for about 10 years.

Q9 O.K. What is your sailing experience?

A I've been doing ocean racing now for 20 years.

Q10 Right and - - -

A And this, this would have been my second Sydney to Hobart.

Q11 Right. Did you attend the CYC briefing prior to the start of the race?

A No, I didn't. The two that went to the briefing were Bob and his son, Malcolm.

Q12 O.K. Were you aware of the weather conditions that you were going to experience?

A Yes.

Q13 Prior to entering the race?

A Yes. The weather forecast that was given to us at that briefing occurred or the weather force was given. We were well aware that we would be running into a southerly buster, probably sometime late on the, the Saturday night and that did occur and the forecast as they stated, well, it was 35 to 45 knot winds, exactly as it occurred.

Q14 O.K. Well, now let's take you to, to a time further in the, into the race where you were off, probably the south coast of New South Wales, far south coast of New South Wales, and you started to encounter heavy seas, strong winds. Were you on deck at the time?

A For some of that period, yes. Our normal watches on the boat was three hours on and three hours off. As I said, we'd gone through that storm at 10 o'clock, about 10.00 was when we hit the storm that previous night. By early morning we'd started to crack on sails again. By midmorning we were starting to discuss, we discussed as to whether we'd go from a number three to a number two, but there was reports sometime that morning from, I don't know which boat it was, further down the course, that they had run into some fairly hefty winds

of around 65 knots and so at that point in time we decided it, instead of upping sails, we'd go into survival mode. And on Renegade, that's going down to a tri and a storm jib. So, all those preparations had been done, really, before the, we hit the main part of the storm.

Q15 What was your position on the, on the vessel as pass, as far as crewing is concerned?

A I'd normally handled all the halyards on the boat and trimmed the, the headsails.

Q16 And does that take part from in, within the cockpit on the vessel?

A Yes, it does. Yeah.

Q17 O.K. Now, can you please explain to me as we spoke about earlier prior to conducting the interview, an experience that happened to you, you were on deck at the time and some fairly large waves approached the vessel?

A What, how do you want it explained?

Q18 Well, you, I'd like you to explain to me, or tell me, in your words, what occurred. I understand you were injured and can you please fill me in on, on what
- - -

A All right.

Q18 - - - what occurred?

A We, we'd decided when these, after the 2 o'clock sked and the, the winds and the, and the weather continued to get worse, we decided about half past 3.00 in the

afternoon that it would be prudent to retire, that we'd prefer to race another year when things are more normal. So, we spent some time getting the boat turned around by jibing the boat, we tried the tack and couldn't because of the strength of the winds. The winds at that stage were probably averaging around 65 knots. So, we eventually got the boat turned around and heading back in a general direction for Eden. And at this stage we had the, the wind and the weather coming in on our port quarter. I'd, at this stage, because we were in survival mode, we normally have two, two persons on deck, the helmsman and one other. I'd been on deck for a while, I decided I'd stay up for a little bit longer because I'd been fairly badly sea sick, I just wanted to get myself back into a stable condition. And at about half past 4.00 in the afternoon, we got some fairly big waves at this stage. We'd also had wind gusts up to 84 knots and we'd had one wind gust at 90. So, you had basically the, the spray coming off the sea was virtually, any rain around was going horizontal. You really couldn't see too much with all our glasses and that sort of thing which you wouldn't want to put your, your face into the wind or your eyes because you'd be blinded pretty quickly. Bob happened to glance over his shoulder at this stage of the game and his comment was, "Oh, shit" and he said, "Hang on", and I glanced over as well and we had a wave coming up on top of us. Our estimate was about 65 feet

high. It was breaking on top, probably the top four metres was breaking. And that dumped on us, picked the boat up, slung it down the wave about 50, 60, 70 metres, until it dug the starboard rail in, and then the wave just rolled the boat upside down. The mast stayed in the boat and there we are, I'm under the water. There were two other crew under the water. The six crew downstairs and I think the last thing we shouted at them was to slam the, the hatch shut, to keep as much water out of the boat as possible. The skipper went past me when we were being thrown and he got thrown right off his seat from the tiller and his life line tore out of the boat. So, he's underneath the, in the water underneath the boat on, loose in the water. I'm under the boat, it's quite a nice pale green colour under there, you can see what's going on. But unfortunately, I'm on the wrong side of the boat on the life line at the end of my life line, and the only way I was going to get out was to swim through, back through the cockpit and out the other side of the boat. The last thing I remember was sort of somewhere in the middle of the cockpit and I believe I knocked myself out on a winch. From here on it's what I've been told. The boat stayed upside down for some time and the main reason it stayed upside down is because the mast stayed in the boat and the sails were holding the boat down in the water. Bob and the other crewman who had to release himself, himself from under the boat, he was

jammed between the boom and the deck. He had to release his life line or stay under there and drown. They finished up hanging onto a, a exhaust extension and a handle we had on the back of the yacht. And then when they sort of got themselves orientated they were looking for me and I hadn't turned out at that stage of the game. Eventually, I came out from under the boat when one of the waves went through, feet first, face down the water. Bob let go of what he was hanging onto and swam round to me and turned me over and get, at least get my head out of the water. And really, at that stage there wasn't much more he could do. The next big wave came through and re-rolled the boat back upright again. Bob doesn't know how it happened but he finished up being, the boat actually, we think, the rail picked him, scooped him up, dropped him back on the tiller. So, he immediately turned the boat round into the wind and he yelled for the crew, the rest of the crew were down below, to come up and drag me out of the water. It took three of them to do that, get me on board and applied CPR and et cetera to try and get me back alive again, or back breathing again. This occurred, sometime later, I don't know, you know, like I said, I was unconscious for probably six hours. They got me to start breathing again. Got me off the deck, down below into the, into a bunk and with one crew member to keep talking to me and keep my head out of the water at that stage of the game 'cause there was

about three foot of water in the boat. At that stage they started bailing and getting as much water out of the boat as possible. They also told me that they tried to signal to the Young Endeavour, which was a mile and a half, two miles away, with a couple of flares and no action was taken on that, we actually, they watched the Young Endeavour sail away around behind the boat. At this point in time, the only equipment on the boat that was operational was the compass, all electrics, all lights, GPSs were all dead from emersion in sea water, as well as the alternator and the motor wouldn't start, so there was, the only way were going to get home, hopefully, was with the sails we had on the boat at that stage of the game. But what we needed at that point, really, was someone to tell us where, where Eden was.

Q19 So, then what happened?

A So, then what happened, probably, about an hour or so later, one of the helicopters that were in the area came reasonably close. The boys sent up another flare. Now, maybe this wasn't the right thing to do, but they were getting a bit desperate by this stage of the game, so they aimed the flare at the helicopter, and the boys tell me they damn near put it through their front window. So, they did get their attention. That helicopter came back and apparently hovered off the back of the boat for about half an hour. And they were able, by methods of signalling of hand signals to

indicate they'd done a, been upside down, done a 360. That they had injured crew on board but were O.K, at that point and basically, where was Eden. They wanted a bearing for Eden. Eventually the helicopter took off and, we believe, with a direct line for, for Eden. The guys took a bearing off that and we then were still getting the boat to right, 'cause they had the EPIRB going as, prior to this. Basically, as soon as the boat got back upright again, the EPIRB was let off. That EPIRB was not turned off until we got into Eden harbour. So, they sailed, this was sort of like 6 o'clock, I suppose, they got themselves back going in the general direction of Eden. They hit the coast at about, well, I reckon I was awake by then, probably about 2.00 in the morning. They got up to Eden harbour, in through the lead lights, into harbour and anchored because at that stage we had no lights, no motor and no way, it was pitch black in the, in Twofold Bay at that stage of the game. There was no way we could tell where the, where the wall for anything was. They then found, we still needed medical assistance, because I was, I was here, but I wasn't real flash. They found, either my mobile phone or one of the other guys mobile phone and rang 000, got patched through the police and were then asked where we were, the second time after they said, we said, "The battery's nearly going flat, we can give you a GPS position and we need medical assistance". That position was given. We

understand the police boat left Eden probably about half an hour after that time and took an hour or so, or an hour and a half to find the boat. They then, the ambulance officer came on board, got me stabilised and then transferred to the police boat with our skipper, who needed medical assistance as well. We were transferred, I was then transferred to an ambulance off the cannery wharf.

Q20 And then you were taken to hospital and - - -

A Taken to the hospital at Pambula, where I was put into emergency, they got all my wet weather gear off me. I was immediately put onto oxygen and I basically stayed on oxygen for the next 36 hours until they got my oxygen level back up to 100 per cent. They also gave me antibiotics at that stage of the game to try and clear up the sea water that was in my lungs.

Q21 Right. Just on a couple of things. Before I wanted to talk to you a little bit more about your, your injuries. With the retirement from the race, did you inform Telstra control that you were going to retire?

A The yacht informed the Young Endeavour.

Q22 So, it was a crew member on your yacht got onto the radio - - -

A Got on the radio, it was a crew decision, we've had, we'd radioed the Young Endeavour that the yacht Renegade was retiring and the time was approximately half past 3.00 in the afternoon.

Q23 All right. Now, you said earlier that you suffered

some sea sickness?

A I think we all did.

Q24 Yeah.

A Normally, normally ocean racing I, I'm normally don't get sea sick. And this particular case was the, the very big seas, every member on the crew was sick, in

- - -

Q25 M'mm.

A - - - in one form or another. To give you an idea, when we've been sailing down the coast there, we had a number of boats within where you could see them, normally you'd, normally it, two to three miles out all you can see is the tops of their sails. We were coming up on top of seas there and you could see back five miles and you were actually looking downhill at the boats, you could see the whole boats, looking, looking down on them, so, you know, like, there was some pretty big waves out there, probably averaged around 40 feet and they were coming from all directions. They weren't consistent and that you weren't, didn't know when you were going to cop a big one.

Q26 Do you feel the sea sickness impaired any decision making on the boat?

A No.

Q27 As a result of that?

A No.

Q28 You also mentioned wind gusts up to 90 knots. Were you on deck at the time - - -

A Yes.

Q28 - - - those gust? And how long do you think those gusts lasted? Were they prolonged or were they -?

A The - - -

Q29 The time - - -

A - - - gusts, the gusts was only, the 90 knot gust wasn't very long but the, round the, the 80 plus mark, I reckon it sat in at 80 plus mark for about 10 minutes.

Q30 O.K. And what sort of instruments are on board the, the Renegade? Wind instruments?

A Wind instruments up on top of the, the mast, plus repeaters downstairs, none of that was lost until the boat rolled.

Q31 O.K.

A And then they disappeared very quickly.

Q32 Yeah.

DETECTIVE SENIOR CONSTABLE BEATIE

Q33 As you would expect.

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Q34 And the, the time of the roll you were saying was about 4.00pm?

A 4.30.

Q35 4.30pm?

A Yeah.

Q36 O.K. And the vessel rolled at 180 degrees and stayed over there for some time. How long do you believe it may have stayed over again?

A None of us are really sure because time sort of seems to slow down at that time, but we think somewhere between four and five minutes.

Q37 O.K. Now, when you said the vessel rolled, you were on the opposite side to where your lanyard was attached.

A That's correct.

Q38 And, and you could in fact feel the, the gunnels of the vessel closest to you which you would have like to have escaped from.

A Yes, escaped from, yes. Yeah, yeah.

Q39 Right. And you were fully conscious at this stage?

A Fully conscious at this time 'cause I knew that, you know, I could, well, the colour of the sea underwater was pale green - - -

Q40 Yeah.

A - - - it was still 4.30 in the afternoon, there was plenty of sunlight, well, it still wasn't a lot of sunlight up there but it was light enough so you could see everything under the boat, I could see the mast down underneath me. I could see the skipper a long way down underneath me at one particular point.

Q41 In fact, he was, he was propelled down into the water - - -

A He was propelled down.

Q41 - - - as a result?

A Yeah.

Q42 As a result of the roll over?

A As the roll over, yeah.

Q43 And he was some, you said, eight to 10 feet below you?

A Below me, yeah.

Q44 O.K. Now, just to get it clear in my mind, you realised that you had to swim back towards where your lanyard was attached?

A And that was into weather.

Q45 Swim into the weather?

A Yeah.

Q46 Now, could you feel the way that the boat was moving
- - -

A Well - - -

Q46 - - - whilst it was over?

A Yeah, well, you could feel it, you could feel the, you could feel the seas going through but the boat was just sitting there.

Q47 Yeah.

A You know, just sort of - - -

Q48 So, you were being dragged and held in that position, basically?

A Yes, yeah, yeah.

Q49 So, then you swam toward where the - - -

A Well, I swam, I was swimming towards where I had to get out, by pulling myself along the - - -

Q50 O.K.

A - - - life line.

Q51 So, you, you were physically pulling yourself along the lanyard and you struck your head, you believe?

A Yeah, yeah.

Q52 And that's the last thing you can recall?

A That's the last thing I recall, yep.

Q53 O.K. So, then from what you believe, the boat, you then, the sea, the seas came through underneath the boat and actually pushed you out the - - -

A No.

Q53 - - - other side?

A No, I don't think. I think what happened is that the boat was trying to re-roll or trying to complete the roll and I actually when it pulled the gunnel up at one point, out of the, out, into the air, I actually popped out from underneath.

Q54 O.K. But at that time, then, the boat didn't want, didn't completely roll back - - -

A No.

Q54 - - - did it?

A No, not on, not on that, not at that point.

Q55 Right. So, can you recall from what others have told you how long the boat from that moment stayed over?

A Probably another 30 seconds or so.

Q56 Right. And then as a result of the boat being knocked by another wave, it completed it's 360 degree roll and, and came back upright again?

A I think it was probably helped by the boys downstairs as well. I think they probably ran up that side of the boat and put all their weight on that side of the, you know, felt it going and pushed their weight on that side of the boat as well. Well, that's what they,

that's what they told me, they didn't say - - -

Q57 O.K. So, that's, that's something that they've told you that they all ran from one side of the boat to the other - - -

A Got on that side of the boat as she started to go and just put some extra weight there that, they wanted to get the thing up as well.

Q58 O.K. So, physically, they tried to, to right the boat from inside - - -

A Inside the boat.

Q58 - - - the boat - - -

A Yeah.

Q58 - - - whilst it was over?

A Yeah.

Q59 Standing on, basically the roof?

A Well, walking up the roof going back towards the floor, yeah.

Q60 To the floor, yes. O.K. All right. Now, then you were, you were brought up and you were lying face down, the boat rolled back on it to, to it's right position and you were floating face down?

A No. I'm not sure at that stage of the game.

Q61 From what you were told?

A No, I've, I. When the, the boat popped out, I came out. I was face down then, but Bob swam, let go of what he was hanging onto the back of the boat, swam round and turned me over and he was hanging onto me, put my face out of the water. Now - - -

Q62 Right. At this stage you still weren't back on the boat?

A No.

Q63 Right.

A Then when the boat did it, finished it's 360, somehow or other at that point the boat picked Bob up, not me but picked him up and he landed back in the cockpit, back on the, basically, well, not hanging on to the tiller but at least back in the cockpit. And his first, he did, the first thing he did was turned the boat into the wind so it wouldn't drag me because I was still hanging over the side, with half the life line sort of thing, round my neck.

Q64 O.K. So, then the other - - -

A Like, what he was trying to do was to stop the boat moving apart from, you know, the wave, stop the boat moving so there wouldn't be any drag on me and strangle me as well as try and drown me.

Q65 Right. And you were still unconscious at this stage?

A Yeah.

Q66 You don't recall any of this?

A No.

Q67 O.K. So, then others came on deck, assisted you back on to, on board the boat and, and under went - - -

A CPR and mouth to mouth and all the rest of it. Well, initially got, Trevor went looking for my, my tongue, because that apparently was down the back of my throat and eventually I brang up a couple of gallons of sea

water.

Q68 Right. So, you vomited, after, after a while that you vomited in this, this large amount of sea water, that you believe?

A Yeah.

Q69 O.K. That, what they've told you?

A Well, that's what it tasted like back at hospital, I'll tell you.

Q70 Yeah. O.K. So, after this you were taken off, taken back to, to Pambula Hospital - - -

A Yeah.

Q70 - - - and you're here today to, to talk to us about it?

A Talk about it, yeah.

Q71 Are you aware of a, of a survey that was conducted by the CYCA to all entrants?

A Yes, I was. And our crew got together and, and filled it in after it came back. We believed it wasn't structured correctly and it just didn't ask the correct questions. Particularly in some of the later questions as to, you know, wind conditions and where, where you were going and all the rest because it, it really should have, if you read the questions the way they are, they're really talking about the storm and people continuing on to Hobart, not when you've turned around and then coming back the other way.

Q72 So, how do you feel about the way that the survey was structured?

A I don't think it asked the correct, I don't believe it

asked the correct questions of what they were trying to achieve. It might answer the questions they want to know, but it, if you're in a survival mode and you're retiring and you got rolled over at the, there were no questions about, you know, as to whether you got into trouble or anything on it.

Q73 So, how do you believe the CYC tried to structure the, the survey?

A I think they were trying to, well, I don't, quite frankly, I don't know, I really don't want to put too much on it, but I just don't think they asked the correct questions to get the right answers.

Q74 O.K. So, you were part of the, the, the survey that you, as a group have filled in the survey?

A Yep.

Q75 And in fact, it mentions here in the survey, on page 22, question 82, that in fact one crew member drowned and was resuscitated, is that correct?

A That's correct.

Q76 And the second crew member had slight concussion?

A That's right.

Q77 O.K. And in fact, also you mentioned in the survey that you fired flares at the Young Endeavour and they, they failed to see them that you are aware of, and continued on.

A Continued on. That's, that's what we believe that.

Q78 Right.

A Who knows? But there are some other contentions on

that, but that's only hearsay.

Q79 How do you feel about the way that, I'll re-phrase that. Have you been contacted by the CYCA in relation to this?

A No.

Q80 What can you tell me about that?

A Well, I would have thought that if, once they saw the, our survey and the extra letters that went in with it, that there should have been an immediate contact.

Q81 So, in fact, you, you also filled in support letters with this?

A I'm sure, I think Bob did. I think Bob sent a support letter with it. I'm not sure of that but I believe he did send a support letter with it.

Q82 Right. And what do you believe was in the content of that support letter?

A Well, basically to try and make it clearer as to what, when we'd, we actually retired and what happened with the roll over and everything else, but.

Q83 O.K. So, you've, you haven't received any, have you received any counselling as a result of being injured and - - -

A No.

Q83 - - - and your, and your near drowning, or your drowning - - -

A No.

Q83 - - - incident?

A No. But quite frankly, I believe that myself, from my

own point of view, that I probably had less trauma than the rest of the crew because I was actually unconscious for the six hours of, of, you know, the crew had more trauma because they had to try and resuscitate me and get me back to base so we could get some medical assistance. And I think, my personal feeling is that, sure, I've had nightmares and everything else since then, but personally, I think they probably suffered more trauma from the, the incident than I did because I wasn't there, well, I was there in body, but I wasn't there in - - -

Q84 Mm.

A - - - I wasn't, wasn't conscious.

Q85 As a group, have you got together and spoken about your
- - -

A Yes.

Q85 - - - your -?

A When we, when the boat arrived back in Adelaide, which was a week after New Year, came home on a low loader, we all went down to the squadron to get all the sails out, get them washed, generally clean the boat up from front to back, to sort of get the stink out of it. The younger crew member wasn't going to come down that and I actually persuaded him to, to come down to that. I said, "Look, you need to talk about what's happened". And we finished up having water fights and a few other things like this, got sloshed that afternoon. And I think that's the best thing that could ever happen.

Since that time, I couldn't do it for three or four weeks, but after that period whenever anyone's asked me about it, I've always talked about it, and the more I've talked about it, the better it, the easier it's become.

Q86 Do you feel that yourself, or any of the other crew still require to, to have some sort of assistance in counselling to -?

A I don't.

Q87 For any reason?

A The only one I've, the only one that sort of still worries me a little bit is our young crew member, he's 25, but, that's young Adrian.

Q88 And Adrian Wall?

A Yep. He had a lot of trouble after the, after the race with nightmares and was on medication for a long time. I don't think he'll ever do another Sydney to Hobart. I'm not sure about, he still goes, he's been out racing since then but he's the only one that I would say that's, would have a problem.

Q89 And from what you're aware he was on some sort of medication, a sedation -?

A I don't know whether it's - - -

Q90 Or something?

A - - - sedation, but it's certainly, something to sort of keep him, you know, like, anti-depressants, and this sort of thing. Yeah. After, after it happened.

Q91 O.K.

A I refused. There's no way that, I wouldn't even take sleeping tablets or anything like that. The only thing that's happened since then is that I've taken some homoeopathic medicine since, in the last two or three months and that stopped all the nightmares.

Q92 O.K.

A Well, I'd wake up two or three hours after I'd go to sleep, have a nightmare, go back to sleep, no problems, it keeps my wife awake, you know.

Q93 Mm.

A So, but, I've got, got over that problem as well, so.

Q94 Have you got any thoughts or feelings about the, the CYCA not contacting you or any of the crew members?

A My feeling about this, as I said, this was a, my second Sydney to Hobart, I don't believe the organisation, the CYC, in this particular race, was as good as the previous one in '94. I just don't, I just get the feeling that, that they started the race and basically said, righto, it's Hobart's problem.

Q95 What do you mean by Hobart's problem?

A Well, a lot of the guys who were racing in the race, there was no, I can only go on what we, what we heard, like, leaving all the, everything up to one, one man on board the Young Endeavour to try and co-ordinate everything. He's only a volunteer, what, what was the CYC doing? Where was the communications going on between that and, and, and running the race itself? And to turn around and say, yes, sure it's a, a race

decision to, as to whether you race or not, sure, it's in the rules there, but somewhere along the way, someone's got to say well, look, these seas are a bit or these, this weather is a lot stronger than it should be, or get the and said, look, send the message back up the thing, look boys, you're going to run into some fairly hefty seas at 60, 70 knots, knot 50 that we've been talking about or, or the forecast. I also believe that there were a number of, again, letters to the editor and everyone saying that they had, oh yeah, we knew what was going on because we had weather facts. Now, what did they say, 10 per cent of the boats, so 10 boats out of 115, had the most up to date weather forecasting equipment available. Most of the other yachts haven't because they've built their sails by, people who love their ocean racing have built their yachts to their best ability, but there comes a point, you can't, you're, you're not being sponsored by god knows what and, you know, throwing money at everything. And I, my comment to that was, when I saw that, letters to the editors there, was why the hell, if he knew what was coming, why the hell didn't he get on his, on the radio and report it to the rest of the fleet because I think, at that stage, it got past the point of helping someone to, who might get an advantage on the race. I think at that stage of the game it was getting to the stage of survival for everyone.

Q96 Mm.

A Now, we've discussed it back here in Adelaide, with Bob and Keith Flint from Helsil and a couple of the other guys who were in the race, and all of us have said the same thing, that if we'd known, on the Saturday night, that that weather was coming in, all of us would have taken a right-hand turn at Eden and gone in and, not stopped racing, but rafted up when the weather cleared in 24 hours, someone say, fire a gun and race on, race on to Hobart. And we've all said the same thing because we're not, we're not out there, we love our racing, we're all responsible. And the whole thing is, we want to enjoy racing for a lot of years to come. And if things get too rough, you, well, you don't retire you just pull out somewhere, pole up and when the conditions get better you keep going.

Q97 Mm.

A Now, we've been in this race, but to get round to you, we'd already done 1300 miles to get from Adelaide to Sydney before it, even got there. And on this particular year it was like two Sydney to Hobarts. And they were, we had some bloody rough weather out there. First four or five day, four, four days was, well, for 24, for eight hours on the second day out, we were off, in South Australia going backwards and forwards for about eight hours going nowhere. Blowing 45, 50 knots in from the south east and we were out to sea, back, out to sea, back. And actually went

backwards. And then we hit another big storm off Sydney, the last night out. We were playing giant slalom bloody freighters all night out in the bloody shipping lines. We were down to, down to three reefs and a main and a storm jib So, you know, we'd, we'd done enough, we know what, what's goes on in these races. But it was nothing like the that night.

Q98 So, it's fair to say that from the, the last contact that you've had with any part of the organisation is that when you notified, when your crew notified Telstra control that you were retiring?

A No. There was one other contact in Eden. I don't know who it was but someone came down and that must have been the day I got out of hospital which was, that would have been the Tuesday, I suppose. Someone from the CYC was walking along the, the wharves and our guys were still trying to clean our boat up and get the mast out and a few other things like that. Everyone O.K? Oh yeah. And that was it. And he just walked back off the walk. Now, I don't know who it was but that was the only contact we had from the, I know he was from the CYC.

Q99 O.K. You don't know who that was?

A No. There was, there certainly wasn't any, you know, people asking, hey, is there anything wrong with the boat or - - -

Q100 Mm.

A - - - do you need any help or anything like that.

Q101 No official contact?

A No.

Q102 As far as you're aware?

A No. No official contact as far as we're concerned.

DETECTIVE SENIOR CONSTABLE BEATIE

Q103 The only comment I'd like to make, or question I'd like to ask you, in your experience of sailing, how would you describe the seas that you faced at that time?

A Well, I wouldn't like to see them again.

Q104 Would that be the, would that be the worst you've ever seen it?

A Yeah, yeah., we've sailed in some pretty rough weather out in this coast here, but nothing like those seas, not with those waves and the height of the wave and the ferocity of the wind and -

Q105 So that therefore it goes without saying you'd avoid that sort of - - -

A If we'd known - - -

Q105 - - -?

A - - - yeah, yeah. If we'd known that if, as I said, if we'd had that weather forecast, not so much the weather forecast but the fact that the, there had been reports of 80, 90 knots of wind at Wilsons Prom the night before, there's no question - - -

Q106 Mm.

A - - - we would have pulled into Eden because, if the the reason that we got, well, the

other reason that we were so far south, and that was the furthest south this boat's ever been in any of its starts, and it's done the Sydney to, that's was its second Sydney to Hobart, was that we had real favourable conditions and there was a 6 knot current running down the New South Wales coast, so we were probably, we did 235, I think it was, 238 miles in the first 24 hours, now that's damn near averaging 10 knots and that boat's never gone that fast. So, we were probably, probably, 50, 60, 70 miles further south than we'd normally be. So, wrong place, wrong time.

Q107 Mm.

A But, as I said, if we'd known that weather was coming in, there's no question, there would have been a right-hand turn at Eden, rafted up and wait until it's all over. Have a big party and race off the next day.

SENIOR CONSTABLE UPSTON

Q108 All right. Does the - - -

DETECTIVE SENIOR CONSTABLE BEATIE

Q109 That's all. Thank you.

SENIOR CONSTABLE UPSTON

Q110 Does the Renegade have a stability certificate?

A Yes, it has and it's quite, I, I'd be guessing, Bob has told me, I don't know whether it was 119 or 125, it was one of those, much higher than is, is, is, it's much higher than the rating on the boat.

Q111 All right.

A Yeah.

Q112 O.K. And are you aware that when you, when the Renegade went, underwent pole changes, that a new certificate was - - -

A All that, yeah, new certificate.

Q113 And the boat was remeasured?

A Yep, yeah, yeah. Boat was remeasured, yep.

Q114 O.K.

A But it didn't help our handicap.

Q115 It didn't help you at all?

A Well, it, it did because the boat's a lot faster but, it didn't help, we were hoping the handicap would improve it quite, get through the game.

Q116 O.K. All right. Jasper, is there anything that you feel that you could, that you could add now that would assist us in the inquiries. Please, be free to say anything you feel in regards to the race, the race structure, the organisation?

A I - - -

Q117 Anything you feel that would assist us?

A I don't believe, myself, that they can really, well, maybe there's, there's a few things coming out, but I don't' really think they can improve the safety on the race to a great degree otherwise I think you'll find we get a situation where they'll destroy the race. Because most of the people who sail in that race, you've probably got 10 per cent of the race is your big boats, your sponsored boats, your boats that get TV coverage, but they don't make the race. Now, if they

make the, the safety and the, everything else on it too stringent, your run of the mill ocean racing sailor won't be able to afford to go on it. Now, if you finish up with 10 boats, you know, in the Sydney to Hobart, you haven't got a race. The only other thing I would probably say, myself, is that whoever is organising the race needs to have a much greater control of what's going on and particularly in the, in the end of communications. That whoever is running that race really can't be sailing in the race. They need to have overall control and don't sort of leave the organisation or to the radio and control that to one man on a relay boat. And basically to have their finger on the pulse right from the word go. And if the situations are arising that bad weather's coming in well, you know, race rules or anything else that it may help some, some boats, I think you've got to go out the door, and crew safety is paramount.

Q118 O.K. All right. Nothing else?

A No.

Q119 All right, then. Jasper, thank you very much for your time. The time on my watch is now 2.28pm. This interview is now concluded.

INTERVIEW CONCLUDED