

DETECTIVE SENIOR CONSTABLE GRAY

Q1 This is an electronically recorded interview between Detective Senior Constable Stewart Gray and Mr Anthony Lyall at the Hobart Police Station on Saturday, the 2nd of January, 1999. Also present seated to my left is Senior Constable Dave Upston from the Water Police, New South Wales Police Service. Do you agree the time on my watch, Mr Lyall, is about 12.30.

A Yeah, that's correct.

Q2 O.K. As I've already explained to you we're making inquiries in relation to the recent Sydney to Hobart Yacht Race in which was there some, some weather conditions which caused a number of problems to vessels. Basically, as I said to you, I just want to speak to you about your experiences in that race. O.K. Now, for the record could you please state your full name?

A My full name's Anthony Alfred Lyall.

Q3 And your date of birth?

A 7th of January, 1954.

Q4 And your current address?

A Roadside delivery 214 Bowensjetty Road, East Arm.

Q5 O.K. And you're obviously employed as a - - -

A Medical Practitioner. Self-employed.

Q6 Self-employed. O.K. Basically, if I could just get you to tell me from the start of the race, when you left Sydney to the time you go to Hobart, about your experiences during that race?

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A Well, we started the race 1 o'clock on the 26th of December, in approximately a 14 to 16 knot north easterly breeze we were positioned towards the pin end probably just over two-thirds, between two-thirds and three-quarters of the way down the line, we started with some fairly good company, Brindabella, Ragamuffin, Cyclone, there was a few of us all together, it was the favoured end of the line to be at for the start. We went out Sydney Harbour with a full mainsail and number one heavy on, it was quite an uneventful start, really, there was no major dramas for us, we had to duck a few sterns here and there to give way to boats that were coming through on starboard tack but basically, we went out Sydney Harbour at the turning mark we were in 22nd position which was fairly good considering we're only a 13 metre, 13 metre vessel. After the, after the offshore turning marking it was, the north easterly, it was a spinnaker run down the coast.

Q7 Can I just interrupt just for a second, there's something I failed to do. Can I just get the name of your boat?

A Yep. Valheru.

Q8 And a description of your boat?

A It's an Elliott 13 metre IMS racer which I had built in 1994 by a local boatbuilder.

Q9 O.K.

A I probably should say there that Valheru's what called a composite construction, it's a King Billy pine hull

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with three layers of fibreglass on the outside, one layer of kevlar as well on the outside and it's also double, double layered inside, epoxy fibreglass with a foam, with a foam glass deck. Aluminium mast and rod rigging. Right, so, back to the race anyway. Yep. We were going down the coast with north easterly sea breeze which during the course of the afternoon built in strength from the 14 to 16 knots that I said that we had at the start, by late afternoon we were running in probably a 20 to 25 knot north easterly, which was continuing to build in pressure. We'd actually come through the fleet, Valheru's exceptionally fast off the breeze, we'd come from 22nd position, we're up to about the 10th, up to about 10th by darkness, by nightfall. As I said the, we were aware of the weather forecast at the time which was suggesting a thunderstorm with a south westerly front coming through at approximately between midnight and 2.00am, the, the forecast told us, the breeze continued to build in a north easterly direction prior to this by approximately, I'd say 9.30, 10.00 o'clock at night we were sailing in a 35 knot north easterly, once again with the spinnaker up still we'd actually changed from three-quarter ounce spinnaker down to an ounce and a half, just before darkness because of the, the freshening breeze, we decided that we'd go for the safer, smaller spinnaker and keep driving the boat as hard as we could, probably about 10 o'clock we ripped that spinnaker and decided,

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well, we'd better get it off which we did and we were at that stage then just running under main on port jibe only. Following that we put up a number one heavy, we decided we wouldn't go for the spinnaker because of the increasing breeze strength, the breeze strength was probably up to 30, 30, 35 knots at that stage, we were running, doing speeds in excess of 20 knots, we decided that because of the increasing breeze strength we'd better reef the main which we did, we reefed it twice, on the third time the winch of our mainsail blew out, we were still running with, by that stage, a number three headsail and, and the mainsail, in view, in view of that situation, the mainsail had to come off and we took the mainsail and put up the trysail, which is the smallest Do you know what a trysail is?

Q10 Please, please describe it anyway for the purpose of the interview?

A A trysail is a very heavy weather sail that's, that's set up in place of the mainsail, set up off from the mast and either run with the clew of that sail attached either to the boom or in some cases it can be run using two sheets to the spinnaker blocks and control it with winches that way, generally we've, we've preferred to to, to attach it to the boom and use it similar to a small mainsail, it gives you a little better control, it's very heavy, heavy weather sailcloth, it doesn't have battens, it has the yacht's sail number on it as,

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as per the normal mainsail but generally the sail, the sail numbers a little bit bigger so it can be seen easily under a distress situation. Our trysail is dacron, two ounce dacron to three ounce dacron strength, by comparison to our normal sails we run a kevlar so there's, there's a difference in the different material. Yeah, so, yeah, we found ourselves with this trysail up, at that stage we still had a headsail up, but the breeze was continuing to build, we decided that the best thing to do was to keep running, at that stage, we were probably running in the, going in the south easterly direction in fairly, well, we were under extreme conditions and decided that there was no sense at that stage where we were going to continue to race, our intention there was to survive the extreme conditions and then - - -

Q11 What was your position at that time?

A Oh.

Q12 Do you remember?

A At that time we would've been when the actual front hit, we were, we were well south of Jervis Bay, we were south of Point Perpendicular, to actually give you, to actually give you the coordinates I - - -

Q13 No, perhaps not the latitude and longitude but roughly the area that you were off and how far off the coast do you think you might have been.

A At that stage, at that stage we were probably 20 to 30 miles off the coast, our intention was to, well is,

generally is to, to try and stay as close to the run line as possible. At that time, you know, when the, when the front hit we were around about, you know, probably two miles east of the run line think and south of Point Perpendicular. Without actually referring to the, yeah -

Q14 No, that's fine.

A - - - the skeds, I couldn't tell you any closer than that. Yes, so we decided under the extreme conditions that the best thing to do was to, was to run out to sea, which we did, we were using at that stage, as I said a trysail and a small headsail, we, we in fact got down to trysail and number four headsail and we were doing, yeah, we were up to 20 knots boat speed, running out to sea, we were at one stage in this very strong part of the east Australian current which was standing waves up, probably about 30 to 40 feet in front of the boat, they were just standing, virtually vertical and you, at times you were going, going up over these waves, you know, probably at an angle of 70 degrees, I reckon, the faces on them were that steep, you know. At that time that those standing waves weren't actually breaking, they were just very steep and some of them didn't have backs in them, so, rather than go straight over them we were, kind of going up and across them and trying to keep a fair bit speed on the boat, so we were in control all the time, the biggest problem at sea obviously is not having enough

speed to to be able to control your boat on the face of a big wave if you're going up and you don't want to get caught going up it and get three-quarters of the way up to the top and all of a sudden you find run out of, run out of speed and stop and start going backwards down a wave, if that happens you're in deep shit. So, yeah, that was, it was fairly, very nasty that night in the east Australian current we were still heading out to sea, by probably the next, by the next morning we actually, because wind strength at this stage had built up to, well, we were experiencing constant 60 knots for a period of time gusting to over 70 knots, we only had the trysail on at that stage because we had too much power with the headsail on as well, so we decided that the trysail was all we needed and we just kept playing on with that, out to sea there, the waves were, I considered were out of the east Australian current or west of the east Australian current, in that situation we were seeing big, big rolls, probably by, by that stage they were 60 to 70 feet in wave height, I reckon, some of them were breaking, we were in fact knocked down the face of one wave, I was on the helm, I should probably mention our watch system normally with out watch system we have 11 crewmen on the boat and the way we run our racing watch system is that we have six on deck at all times, when we're racing, people do three hours down below, three hours sleep and then six hours on deck, we run three watches and three guys as I said,

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total of 11 in the crew, we have the bowman and navigator, what we call floating, so that they slept when they want to, so they're always available, they're on call all the time, if need be, so they manage to get adequate sleep they're also always available for every situation when they're required. We decided under the extreme conditions beforehand we'd always go, go to sea was the game plan that in event of extreme conditions like this that we have three on deck only and instead of spending six hours on deck, you'd spend two hours on deck, the rest of the guys would stay below and only come up if need be if the situation presented itself that we needed all the crew on deck, then we'd call everyone up, which we had to do on a couple of situations, for sail changes and what have you. As I said we tried to keep the speed on the boat all the time to give us that control we, the worst of the extreme conditions, we only had the trysail to give us that speed and at times we found we even had too much, too much there, and we actually had to hit the boat up a bit to slow her down at times we were caught doing 20 knots with the trysail up, running down big waves, it was extremely exciting stuff. Yeah, down below, we also decided when we, when we had this bit of a knock down that we got, I was actually on the helm at the time was working the main sheet and all the other crew that's normally on my watch were on deck, we went up this wave and I said 60 to 70 foot

wave and all of a sudden it became a bigger wave and started breaking, we weren't going straight up the face of it, we were going up at an angle, so that we weren't launching out of the back of them, as I said, this wave broke and I suppose we had two tons of water drop onto the boat, knocked me off the helm, knocked the main sheet hand into, well, he fell across the boat down to the corner of the cockpit, luckily the other fellow had positioned himself behind the coachhouse so he didn't take the full brunt of the wave and he was able to jump up and take control of the helm. All the time this was going on too everyone was wearing, obviously wearing safety harnesses with lanyards on them and obviously hooked on and we always try and, the lanyards always wrapped around the nearest thing to you as well, so you actually shorten the length of, of the actual lanyard in the event that you are hit by a wave or the boat comes to sudden stop you don't, even go the length of the, of the lanyard which is normally about, just a bit over a metre long. In that situation I don't know, I don't know why but my lanyard was, whether it was washed or what have you, but, that's my main sheet and we ended up in the other side of the cockpit and under water. Valheru's got a self draining cockpit so that water just went straight out, there for a few moments there was quite a bit of water on top of us. Yeah. At that time when we were knocked down there like that the rest of the crew were down

below somewhere, one fellow was preparing a bit of food or trying to get a bit food and the others were in their bunks and they were all thrown out, obviously thrown out of their bunks so we decided to, Valheru actually has almost a clean area down either side of the motor to the double berth where the pipe
..... arrangement above, we decided in future, for the rest of the extreme conditions that those guys that were below would sleep in those areas, so, they couldn't be thrown around the inside the boat down below and that worked quite well, yeah, three or four guys in there, a couple, a couple of spinnakers, provided a bit of warmth and also safety, so it was good. Yeah, anyway, after that basically we found ourselves about 150 miles out to sea, the conditions were abating, by later on, probably late afternoon on the 27th we were down to, you know, 30 to 40 knots, which seemed like a breeze compared to what we'd been through, the sea conditions were settling down, we were 150 miles off shore, we decided it's time to get back to racing and head for home, we steered a course of basically 210 degrees then which gave us a landfall of Tasman Island. Conditions then were westerly 30 to 40 and slowly abating, you know, for the rest of the race we came down, well, from out to sea in two sail reefs for about 24 hours with two reefs and the main, actually had to put our, we carry a spare mainsail for the race mainsail so we were able to put

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that, put that up and other sails were O.K, they had minor damage but they were quite, still quite useful going down the Tasmania coast, if you like, or landfall, two sail reaching and conditions had slowly abated, until we got to, whereabouts would we have been, we would have been off, probably off Freycinet Peninsula, probably 30 to 40 miles out there the breeze had virtually dropped right out to nothing for say a couple of hours, that was fired by freshening sou'westerly winds again which brought us into Tasman Island by, what time would it have been by, probably about midnight on the, midnight of the 29th we rounded Tasman at that stage probably 20 knot westerly breeze was blowing. Tasman Island is always pretty awkward spot to get around because the size of the island and the fact it creates quite a wind shadow, there's a lot of tide there so you have to basically, basically have to try and sneak around, considering that tide and, well, the variable wind conditions there, you can have, although it was westerly and as I said, you know, one minute it would be blowing north easterly and the next minute it'd be blowing south easterly and the next minute it was blowing a southerly and, you know, it can be anywhere from, anything from 15 knot westerly conditions, it could be anywhere from five knots to 50 knot downdraft that you actually get around Tasman, so it's always a very dangerous and tricky place, we came around there probably about 2 or 300 metres offshore

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and slipped around quite nicely. And then we had very slow progress across Storm Bay because we picked up about 200 kiloweight of kelp on the keel which we couldn't see, we couldn't work out why we weren't going fast. We had a lot of, well, at that stage, we'd had a lot, a lot more sail damage and wear and tear on the sail, so we were also nursing the sails, somewhat, to make sure we, we got ourselves homes, while we were racing fully rather than having to put a trysail to finish the race with so to speak and we crossed the finish line just after 12.30 on the 30th.

Q15 O.K. Just a couple of things I'd like to clarify and Dave will probably clarify a few things as well. Prior to the race did you take part in a, in a briefing?

A No, I wasn't, wasn't able to get to the briefing this year, that was attended by mainsheet hand and navigator this year.

Q16 What were their names?

A Navigator's Phillip Brasington and the mainsheet handler is Troy Grafton.

Q17 O.K. They also obviously would have attended the weather briefing and that sort of thing?

A Yes.

Q18 O.K. Now so far as estimating wind speeds, are you able to tell me how you estimated those speeds?

A We've got electronic instrumentation on the boat - - -

Q19 Right.

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A - - - that's giving a constant readout.

Q20 Did you keep a hard data of that particular readout or is there a record that you have of that reading?

A Well, normally, normally our, our instrumentation has it's own, own database - - -

Q21 Right.

A - - - and they just record it on the actual database. Our, our actual plotter, GPS plotter that, instrumentation actually the GPS broke down during the course of the race so we actually had to use a hand held GPS for us positioning, whether it was water or the plug came loose or something, I don't know what I won't sort that one out till get it to, to the electronic technician in Sydney. However, hopefully most of, most of the data I've talked about would be recorded in that, in that instrumentation.

Q22 Would you be able to make that available to us in the near future?

A Yeah, yep.

Q23 O.K. Now, as far as the weather conditions, are you able to give me a sort of a time when those conditions started and sort of, you know, how long you were in them for approximately?

A Extreme conditions started as I said between midnight and 2.00am - - -

Q24 That's on the - - -

A On the 26th.

Q25 26th.

A Well, midnight on the 26th, 2.00am the 27th.

Q26 27th, yeah.

A I mean initially we were sailing through an electrical storm, it was quite brilliant, fork lightning everywhere, basically as I said the extreme conditions were building up to that and obviously the, with the approaching front you'll get an increase in wind strengths and the north easterly as it was at that stage and that built from the 25th as I said, I think we were experiencing probably just on dark by the time the front hit, you know, we were in a good 60, 70, well, say 60 knots by that stage.

Q27 Right. O.K. Now, communications in that storm, did you have any communications with the Young Endeavour?

A We answered all our radio skeds, we missed one radio sked because we had a problem, we broke our HFM antennae lead, one of them that as per category one safety regulations, you have to carry a back up antennae which we screwed into place, we just on the deck and you just screw this antennae and that bolts already wired, so, if you lose one, bang, you're straight up with the other antennae and working, but -

Q28 How were Comms, sort of understandable, clear?

A No problems.

Q29 No problems at all.

A We had a very, we had a very powerful HF set and I'm amazed we're, we're a bit, I thought it might be a bit

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of problem with the emergency antennae, but it wasn't. Normally, normally we, we run off the backstay, we, our HF antennae's wired on the backstay, a long insulator and a whole stainless steel backstay is used as a transmitting antennae, but under this situation that went and we just went onto a standard whip aerial which is probably about, I suppose, about 12 foot long.

Q30 Now, so far as the events of that night and early morning, did you at all hear any communications of yachts in distress?

A No.

Q31 O.K.

A We answered our skeds and that was it, we, when we were asked to maintain a listening watch we did, did that on HF or VHF, whichever channel we were asked to maintain listening watch on.

Q32 Was that tasked to you from the Young Endeavour

A Yeah, that task was to all boats at various times from the, as a request by the Young Endeavour.

Q33 Right. Did at any stage did you see any distress flares or anything like that?

A No.

Q34 Now, the size of the waves that you've indicated are you able to sort of tell me how you, how you estimated the size of those waves?

A Basically, when you're in the trough and, I mean, the mast on Valheru is about 70 feet in length and I could see the wave height, well, the wave height, obviously

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I'm talking about here the height from the trough to the crest of the wave, you know, it was higher than, higher than mast quite easily and and I mean obviously that's not the correct wave height, the wave height is half that or thereabouts but they were pretty fucking big.

Q35 - - -

A And as I said some of them were breaking too, you know.

Q36 Yeah. As far as injuries on board did anybody sustain any injuries on board?

A Yeah, we had two crewmen with fractured ribs, one was quite seriously injured during the first night, he actually fell on the, onto a stanchion and hit himself in the, on the left margin of his rib border and caused quite a serious injury there I assessed the situation, I wasn't sure how he was going to be, but I also decided that in the conditions that the rest of the crews' lives and the safety of boat was more important to do what we were doing than it was try and turn back.

Q37 Yeah.

A I wouldn't have turned back even if he'd died, I was worried that he may have ruptured his spleen but he didn't go into shock he was just in quite a good amount of pain for a while. We treated him with analgesics and he just stayed in his pod cot for probably 36 hours, he didn't do much, but I'd actually made a conscious decision to, that I wasn't going to turn back

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Q38 Yep.

A - - - in the, in the circumstances.

Q39 Did they receive treatment when they, I mean further treatment when they, when you docked into Hobart?

A No, I just assessed the situation and this particular fellow is going to have, I'll make sure he has an abdominal ultrasound - - -

Q40 Yep.

A - - - in the next few days, I mean basically his injuries seem to have, have settled, if he has got a subcapsule rupture of his spleen, well it's something we need to just know about as far as making sure he doesn't do any silly, anything too silly.

Q41 Now, this is a question sort of for the layman, I suppose, so far as a duty of care is concerned as a skipper of a boat, you might be able to tell us whether it's, it's a situation of a legal duty of care or a sort of a moral duty of care, so far as the crew are concerned and turning back and all this sort of thing. Would you be able to sort of about that - - -

A Well - - -

Q42 - - - or is it something talked about by skippers?

A Well, it's not something talked about, the race instructions always say that it'll be up to the skipper - - -

Q43 Right.

A - - - to decide and I mean obviously, you know, it is

up to, to the individual in charge to make the, the decision that they feel most appropriate.

Q44 That's fine. I've got nothing else.

SENIOR CONSTABLE UPSTON

Q45 Just a couple of things that I'd like you to perhaps elaborate on is with the, any weather warnings, were they given to you at all or if they were how were they were received and how often were you given updates prior to the storm and perhaps through the storm.

A Well, the weather warnings came at, when we had radio sked, the first think we always do is get the latest forecast and any, any weather warnings or maritime warnings that are given at that time, yes, so basically that's and we also monitor other radio, radio station et cetera et cetera, we monitor all the during the course just to see if there's anything, you know, anything coming through in between time, so, the navigator, he's the fellow that operates our radios as well, you know, and he keeps a fairly close eye on the situation.

Q46 And your vessel underwent a safety check at the CYC?

A No.

Q47 What was the situation there?

A Well, we, our category one safety checks are done here by the local safety, one of the safety officers, Cat 1 is pretty comprehensive, we comply with that, so, our Cat 1 safety certificate is forwarded to the CYC.

Q48 So, they have documentation

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A They have documentation of that, yeah.

Q49 O.K. And you've, you're obviously a fairly experienced yachtsman, could you give us a brief background on, on your history of yachting?

A I started, well, yachting goes, I started sailing when I was about 11 years of age, I grew up in a family that was involved in boating and water from as soon as I could walk I was basically in a boat, so it was just part of our family's lifestyle. I started sailing with the Lindisfarne Sailing Club and father decided that rather than him teach him me anymore about seamanship and what have you that I should learn to sail my own boat, so he put my brother and I in the Lindisfarne Sailing Club in Hobart and we started off in dinghies, which was an 11 foot dinghy, with a steel centreboard. I sailed in those for about five or six years and won a couple of State championships, then moved onto Cherub dinghies for another four or five years and once again won a State championship, following that I sailed 470 Olympic dinghies and 505s for a number of years with varying degrees of success at an Australian and International level, I moved my practice, which was at that stage in the northern part of the island. At Ulverstone, I moved to Beaconsfield and that gave me the opportunity to start sailing offshore, so I started sailing offshore for about six or seven years in a number of different boats before I had Valheru built, which I, as I said I had Valheru

built in 1994 and I've been sailing my own boat there since then.

Q50 And you've apart, from the injuries, of course, the vessel obviously sustained some damage.

A The only damage the vessel sustained was very minor plastic headfall that our headsails run through, we pulled a couple of headsails out that, so we've buggered that and we fractured the attachment on the boom, we actually fractured that we were able to repair that during the course of the race, apart from that there was no structural or any other damage to the boat, the rest was just, you know, as I said, sail damage basically.

Q51 And is your vessel insured?

A Yes.

Q52 And what's the name of the insurance company?

A It's insured through TTIA.

Q53 O.K. And can you give me an estimate of cost of the damage to your boat?

A Damage I'd say, 1400 for a new headfall, the probably a couple of hundred, so, say \$1600, sail damage, well, sail damage probably 4 or \$500 just as far as patching the sails up, wear and tear dollars are something different, so, you know, maybe \$2,000 worth of damage, max.

Q54 Right. And will you be making an insurance claim?

A No.

Q55 Right.

DETECTIVE SENIOR CONSTABLE GRAY

Q56 Anything you'd like to say, Tony, anything you'd like to comment on or -?

A Yeah. I think probably that really in running offshore races I think the yacht clubs that run them, CYC Royal Yacht Club have to look at the types of boats that they're allowing into these races. There's probably a tendency in IMS yachts these days for them to be possibly under built, because predominantly most of our, most of our racing in IMS is regatta style racing where you go round the bouys, where you tend to be doing less and less offshore races and as a consequence the my opinion is that there's probably a tendency to underbuild a lot of the, a lot of the boats these days. There were certainly compromises when I built Valheru, one of my specifications was that I wanted the boat to be able to sail here in these conditions and Greg Elliott, the designer, said well, here's the boat, this is how it is, there is no compromise on the, on the design or any of the materials used as far as, as far as what he specified and I agreed with him in that situation. I mean, as far as I'm concerned, you know, Valheru there and it's stood the test of the conditions that we went through with minimal damage and, you know, so, I think they've really got to look at what they're allowing to race offshore in these kind of races. Also, I think, a lot of the older boats shouldn't be there. Veteran type

timber boats, provided they've been well-maintained would be fine, no problem, but once, once a boat reaches an age of, say, 10, 15 years, it should be inspected by a boat builder, a registered boat builder, before it's allowed to do the Sydney Hobart.

Q57 O.K.

A It would have certification that, you know, it's safe and Sydney Hobart is not going to worry it because of a lot of the older OIR style designs, they're just isn't there and they will roll, I mean, there's no stage at any time that I was, I was in fear of our safety or the boat's safety out there, I mean, even when we were hit by that wave, you know, I mean there was never any questions that we were going to rollover, not at all, it was never in my mind, you know, it was just, you know, fuck, you know, how long, how long are we going to have to put up with this.

Q58 Yeah.

A 24 hours, 36 hours, but it is going to stop, you know that, so -

Q59 Can you, can you tell me what the abbreviations IMS and IOR are?

A IMS is International Measurement System for yacht rating and design replaced the older IOR which is International Offshore Rule as far as yacht design is concerned for the past. IMS replaced IOR because it was going to provide safer and stronger and quicker,

quicker yachts, replaced IOR probably about seven or eight years ago, I suppose, yes, say, eight years ago, with that intention of, as I said, you know, replacing the older style boats with a, a safer and stronger boat.

Q60 Having a boat built, would you have access to those, those regulations?

A Mm, mm.

Q61 Would you be able to make those regulations and requirements available to us?

A Yeah, sure.

Q62 O.K. Anything else?

SENIOR CONSTABLE UPSTON

No.

DETECTIVE SENIOR CONSTABLE GRAY

Q63 The time is 11, sorry, 1.10pm. Do you agree with that time?

A That's right.

Q64 This interview is now concluded.

INTERVIEW CONCLUDED