

SENIOR CONSTABLE UPSTON

Q1 This is an electronic record of interview between Senior Constable David Upston and Trevor McHugh on Sunday, the 1st of August, 1999, at the Adelaide CIB. The time on my watch is now 10.22am. And also present, seated to my immediate left, is Detective Senior Constable Rob Beatie from the Adelaide CIB. Trevor, as I explained to you earlier, Detective Beatie and I are making inquiries into the 1998 Sydney to Hobart Yacht Race. And in particular we're talking to people either directly or indirectly being involved in the race, and I understand that you were a participant in the race on the yacht, Renegade, is that correct?

A That's correct.

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

A Trevor Dean McHugh.

Q3 And your date of birth?

A 6/7/46.

Q4 And your address?

A Number 2 Leerama Court, Kidman Park.

Q5 And your occupation?

A Motor mechanic.

Q6 And as I explained to you earlier, would you like to please read aloud that statement?

A "This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. This statement is true to

the best of my knowledge and belief and 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 53 years old.

Q7 O.K. Thanks very much. And you agree with that statement?

A Yes.

Q8 Right. Trevor, could you just give us a little bit of background on your sailing experience, please?

A I've sailing in South Australia for probably around about 15 years. Started off with went onto the bigger boats, Adams 10s, Adams 11.9, which I'm racing on at the moment. Have done the Melbourne to Hobart on the Vicky J Adams 11.9, in '88, and have done the Adelaide to Port Lincoln race probably for the last 12 years.

Q9 So, it's quite extensive your sailing background?

A Yes. Yeah.

Q10 O.K. And on the yacht, Renegade, how long have you been sailing on that?

A I was sailing on Renegade probably for about four months prior to we left to go to Melbourne, to Sydney, and I sailed the boat from Adelaide to Sydney all the way round, I was doing the whole trip from Adelaide to Sydney, Sydney to Hobart, and then we were coming back home, so -

Q11 O.K.

A I committed meself for the whole trip.

Q12 Right. And how long have you known Rob Francis for, the owner of the boat?

A Bob, I've known down at the club probably for the last eight or nine years.

Q13 O.K.

A Yeah. As a member of the club.

Q14 All right. And you've done Sydney to Hobart Yacht Races before, did you say?

A No. I've done a Melbourne to Hobart, not a Sydney to Hobart.

Q15 O.K.

A Yeah. Yeah.

Q16 All right. Well, what position as crew member did you have on board the boat?

A I was sort of general, general run around man, sort of thing, on the helm if I was needed, I didn't get to get on the helm in the race, but I helmed the boat, you know, a fair bit of the way round to Sydney. And just general sort of maintenance man, winch man, sort of round the place and helping out.

Q17 O.K.

A Yeah. Yeah.

Q18 All right. Trevor, what I'd like to do is now take you past the start of the race, obviously, you're in Sydney and you've, you've started the race at 1 o'clock, on the 26th, and you're sailing down the coast quite comfortably and then a storm approaches.

A Right.

Q19 What can you tell me about from then?

A The storm approached and we, we were all watching out for it because Bob's done 13 or that was his 13th Sydney to Hobart, and he knew what to look for in the weather conditions, and his son also, Malcolm, had a good eye on the weather. And we were looking for the big cigar, the bog black cigar, and we saw it coming, so we dropped sails down very early and rigged ourselves up for sailing on We handled this quite well, it got up to around about 50 knots, we were handling it very very well, sail area and everything, and then the breeze dropped out for a while, we've sort of went up with sail area again, and then it came in again. 50 knots, increased, increased, increased, and we were right down to jibs, well, storm jibs and mains storm mains.

Q20 M'mm.

A Yeah. And, yeah, we sort of continued on, battled the sea, which just got stronger and stronger. And then we were somewhere round about we're only estimating but from what we could remember from our charts, well, we lost everything, we were probably round about 40 nautical miles down into Bass Strait and it was just getting too heavy for, for us, we just fatigued out and we made a joint decision by every member to retire from the race, we turned around and were going to go back to Eden.

Q21

Yeah.

A

We turned the boat around and we decided that I, I, actually, most of us were on the deck on the time, and we made sure everything was lashed down properly, and we turned around and we were like, Bob said he'll stay on for a half an hour or so, or probably, probably for a couple hours I think it was, he was going to stay on, and then he wanted me to take the helm after that. So, I went down for a sleep and we ended up, Jasper wasn't very well at this stage, he was vomiting a little bit, so he stayed up the top with Hardles, another lad, so, there was three chaps up the top and there was six of us down below. And I don't, I really don't know how long it was from when we went down below and then we rolled over. I was laying down on the floor in the middle of the boat, got thrown around a fair bit, ended up with a few sail on top of me, which jammed me down a fair bit, got out of that and it was upside down, we've estimated possibly for about three minutes. I've done a bit of a test for some, from the batteries that were on the boat, those batteries were full up with battery water and acid before we left Adelaide and they were nearly empty when we checked them out, and I did a test at work and they, was, it took around about three and a half minutes to empty those batteries. So, that was just giving us a bit of an estimation of how long we'd been upside down or during, duration of going upside down to coming back up again. The boat then

righted itself and we came out through the hatch. Bob was on the helm and he just screamed out "Get Jasper", Jasper was on the port, rear of the boat, on the outside of the boat, harness still attached, and a mass of ropes and sheets were wrapped around him. And when I got there with Mark and Malcolm came out as well, Jasper was blue as blue as blue. And no life in him at all, we eventually lifted him over the rail, which took a fair bit of effort because we had to get the ropes off of him first and lift him over the railing, rail and put him on the deck of the boat and I immediately laid him on his side and tried to get his mouth open, and he was just like lockjaw. I got it open, and went to grab his tongue and it wasn't there, he'd swallowed it, so I just forced my fingers down his throat and I grabbed his tongue and then just poured water, it just came pouring out of his mouth and then I started pumping him and his lockjaw again, I had to keep holding his mouth open and trying to pump him at the same time. I got a hell of a lot of water out of him and it took me quite an effort to try and get some life back into him and I kept talking to him to try and get some communication going through to him, and all of a sudden I saw an eyebrow move and I said, "There's life there boys", you know, "I better keep going", I just kept on pumping his heart and, and we got him back to life again, yeah. From that stage there, we put him down below and when we put him down below we put him

head first into the cabin down below, they put him onto a bunk, but everything was sort of soaked inside, we had to try and keep him warm somehow, and I opened his mouth down below and another pile of water just came out of his mouth, and I just said to one of the lads, young Adrian, and I said, "Look, you just stay by his side", I said, "Keep talking to him", I said, "I don't want him going into a coma or anything like that", I said, "Just keep talking to him and try and keep him as warm as you possibly can". Which he did, that lad sat there for nearly 12 hours alongside of Jasper, and made sure that he was still breathing and - - -

Q22 And, and who was that that sat with him?

A That was Adrian Walls.

Q23 O.K. Right. So, then, then what happened?

A From that stage onwards I immediately, once Jasper was gone down below, I was still up the top and there was Bob, myself, Mark and Hardles, that was, I just can't think of his first name, Hartley, Wayne Hartley.

Q24 Right.

A Yeah. He was up top. Wayne, Wayne happened to have gone over the, overboard as well, and he was a very luck boy to be with us as well, I think. He couldn't unhook his harness when he was underneath and the way the harnesses are this, this year with the double hook on 'em, double locks, he couldn't unhook it underneath the water. He tried, had three attempts to try and unhook himself but for the weight, he just couldn't

unhook himself. And eventually he said to himself under the water I've got to get out and himself and he let himself go and came past the back of the boat and Bob was in the water hanging onto a piece of string, and yelled out to him, he just saw his head, he said, "Grab my arm", grabbed his arm and pulled him in - - -

Q25 O.K.

A - - - otherwise we could have lost him as well.

Q26 Yeah.

A Yeah. Boat's all up. We're trying to sort of sail again. I, I've grabbed hold of the outside pump and started pumping it, and I've pumped it for probably, I don't know, three quarters of an hour or something like that and then the pump give up the ghost. Whether it got something into it, sucked something into it and it split the diaphragm, so that became useless. The one inside we couldn't, couldn't pump it because it was just sort of underneath the water, we had two boys inside with buckets, just bailing it out into the cockpit, a problem on the boat is that the cockpit hole's probably a little bit too small, we had four outlets, and they blocked up with paper and, and all sorts of gear so the water wouldn't run out. So, we had to bail it out manually inside the cockpit.

Q27 O.K.

A And over the side, which I did for quite, I just had the adrenalin rush which I seem to have in my life and,

I just non stop bailed that boat till we got it to a reasonably no water condition.

Q28 All right.

A Yeah. We had no instruments, we had no motor, no electrics at all were on the boat. I, I later tried to get the motor going but couldn't, couldn't even get it to turn over. So, we were in a little bit of trouble. And we had Jasper like he was. Bob was on a little bit of medication at the time, 'cause he'd had a, a stroke a few months beforehand, and we'd lost his tablets, because it just got washed away, probably thrown overboard. Yeah. and then - - -

Q29 So, you bailed, you bailed it out - - -

A Bailed it out.

Q30 Yeah.

A Yeah. And, and we just Bob, Bob was just fatigued out completely, so Mark took the helm, Mark did an excellent job on the helm, took it all the way into Eden, which is around about 14 hours if I remember rightly. And it was pretty, some pretty horrendous sort of, conditions, sort of thing, you were sort, once you've been over you think well, is it possible that you can go again, you know?

Q31 Yeah.

A So, we were sort of pretty worried about it. We didn't know what the mast was like, whether it broke and cracked or, you know, well that may have come down too, so, kept everything down to a minimum. We wanted to

try and put up a bit bigger sail area, we spoke about it, but we decided not to. We just sort of battled our way into Eden. As we were going in I recognised out to sea the Endeavour, the Young Endeavour, I could see her twin masts up. I aid to the boys, I said, "The Young Endeavour's out there", I said, "Why shouldn't we fire a flare to 'em, let them know that we've just been in a little bit of trouble here". 'Cause we didn't know exactly where Eden was, and so we shot a flare out to them, and it went right across the top of their boat, and we got no response. And we shot another flare about, I think it was about three minutes or something like that later, and still no response. And then out of the blue a helicopter came flying out, it's the first helicopter we actually seen, he went out towards the Endeavour and I said, "Well, why not shoot a flare out towards the helicopter", which we did, and they turned around and came back and hovered over the top of us. Mark knew a few hand signals, directions, from working on the North Sea oil rigs, and he was involved in a bit of helicopter stuff. So, he told us to give 'em a few hand signals that there was a chap down below, out, and we want a bit of a guide to, to Eden. And, and Mark was just about spot on with his, with his whole thing, he said, "Now the helicopter will be make a direct line for Eden for about three or four Ks and we've got take a bearing", which we did, and we were spot on. They came back probably about three times,

went around us, give us another guide, kept us in line and then we didn't see anymore after that, you know, so, we were sort of spot on their mark for Eden. Yeah. Got to Eden, unfortunately we had no motor, we only had the little sail up, so, we, we didn't actually know the harbour of Eden ourselves, nobody knew the harbour of Eden, so we just came in and anchored in the bay and we found a, a mobile phone that had a little bit of power left in it and pressed 000 and spoke to a woman from the police there and she was bit nonchalant about, what do you mean there's a Sydney to Hobart race going on, didn't sort of understand anything. Bob hung up pretty smartly, bit wild about the whole situation, we rang again about 10 minutes later and got onto a chap there told him the situation, we had a handheld GPS that we just give him the numbers from, latitude, longitude
- - -

Q32 Yeah.

A - - - and about three quarters of an hour to an hour later a launch came out from way of Eden around to us, we shone some torches on 'em, and they came and took Jasper away. Bob, and Bob's other son,

Q33 Gary?

A Yeah.

Q34 Gary?

A Yeah. I'd say, yeah, and, and it was nice and calm in there, we were sort of starting to get a little bit more relaxed and was trying to sort the boat out a

little bit. I said to the boys, "I'm going to get the motor going", and I said, "Give me half an hour and I'll get it goin' for you", you know, which I did, I was there 25 minutes, and the boys said to me, "You got that thing goin' yet", I said, "Going just about now", and choom, it started up. So, we motored into Eden and tied up. And that's virtually the - - -

Q35 M'mm.

A - - - from there we unloaded the boat and the people in Eden were just fantastic.

Q36 Right.

A Yeah. I couldn't ask for anything better. They gave us a house, they gave us a car to run around in, excellent. Yeah. Excellent.

Q37 All right, then. And then, then you left from Eden back to South Australia?

A We, dismasted the boat, and put it on a mooring out to sea then, and Bob and his lad come, we, we went from there, that was New Year's Eve I think it was, we've drove home, the whole lot of us, we hired a van, got a chap that he, he drove over with us, and we just put him to sleep, he'd been working all day, we drove over, and he drove the thing straight back on New Year's Eve for himself it was really good, excellent. Then Bob and his lad went over the Monday to put the boat onto a semi trailer and brought it back on a semi trailer.

Q38 All right. Trevor, there's just a, a couple of things

I'd now like to talk to you about, and I'd like to, to go back over a few things, especially with Jasper and, and to start with. And then I'll talk to you over a number of other things. With, with Jasper when, when you first came up on deck and you saw him over the side, over the, the safety rails.

A Yeah.

Q39 And you bought him back, you said that he was extremely blue in colour, deep blue in colour. And the first thing you did was put him on his side, went for his tongue and released his tongue, you managed to do that. Then you put him back and you said you, you pumped him.

A Yeah.

Q40 What, what do you mean by pumped him?

A His heart, I was just on his chest, I was just - - -

Q41 Yeah.

A - - - doing, massaging his chest, yeah. I was, it was pretty hard, because I was trying to keep one hand in his mouth 'cause his mouth kept closing up, so I sort of had one hand and I was pushing with the other hand. But, Mark was, was there as well, just sort of hanging onto him, but they, they weren't doing a great deal in the sense that they could do anything else, you know, it was sort of a one man operation, I think, you know.

Q42 Right.

A Yeah. Yeah.

Q43 Did you, did you actually, did you feel for Jasper's

pulse at all? Did you - - -

A Yeah. I, well I - - -

Q43 - - - or did you - - -

A Yeah, I actually Mark was hanging onto his arm and he said there was nothing there at that, at one particular stage, you know, but, then when I saw the, the eyebrows move and I thought well, there's movement, you know.

Q44 Yeah.

A There's got to be something there, you know.

Q45 O.K.

A Yeah. Yeah.

Q46 So, you actually - - -

A But the biggest problem at the stage was we had Jasper laying on the boat. The boat hasn't got any rails on the sides sort of thing, you know, you get, you could slip out sort of thing and I was sort of jammed in against the, a pole, and just trying to, you know, get back, it was sort of an emergency, as you can understand - - -

Q47 Yeah. Yeah.

A - - - situation. You know, I could just, you know, and to me it felt like the sea had gone flat calm while I was doing this, you know, to just, I didn't take any notice of the big seas at this particular time, I was just concentrating 100 per cent on the, on the guy, get, you know, the - - -

Q48 Right.

A - - - back, you know, yeah.

Q49 O.K. So, you, you were doing what we would call external cardiac massage?

A Yeah.

Q50 Have you ever done any type of first aid like this before?

A No. Never.

Q51 Right. You've never been instructed on doing external cardiac massage?

A Probably when I was, when I was probably 10, you know, I was doing life saving, you sort of you know, swimming and that, you know, instructions down the beach and that.

Q52 Yeah.

A Just remember a bit from that, but that was about all, you know, and probably what you see on TV, you know.

Q53 Right.

A Yeah. Yeah. Yeah.

Q54 So, just to get it clear in my mind, you were doing the external cardiac massage on, on Jasper's heart - - -

A Yes.

Q54 - - - what you, to be an area over his heart.

A Yeah.

Q55 And he then vomited a large amount of water?

A Water, yeah.

Q56 Right. After you released his tongue?

A Tongue, yeah, yeah.

Q57 O.K.

A Yeah.

Q58 Then you continued to do the external cardiac massage?

A Yeah.

Q59 For some time?

A Yeah.

Q60 Then you saw his eyebrow move?

A Yeah.

Q61 And you continued - - -

A Continued, yeah, yeah.

Q62 How long do you think you continued, how long do you think from the time that you started to do the external cardiac massage to the time you think you finished and put him - - -

A I'd say probably looking around about a minute and a half.

Q63 O.K.

A At least.

Q64 Right.

A Mm.

Q65 Would - - -

A See, that nearly took us I reckon, probably a good minute to get Jasper from outside the boat to inside the boat, you know, the, it was a real problem that we did, just couldn't move him. I mean, Mark, is a big guy, Mark and, I've seen him lift guy like that out of the water, you know, and he just couldn't move him, you know, he was just fully soaked in water of course
- - -

Q66 Weight.

A - - - with weight and he was a dead weight, you know.

Q67 Yeah.

A And to, he'd sort of, and it took three of us to lift him over, you know. Yeah.

Q68 Right.

A And it took us a fair while to get him over then.

Q69 Were Jasper's eyes open at all?

A No.

Q70 No?

A No.

Q71 O.K. Was there any need to give Jasper mouth the mouth?

A I didn't do it, but, I don't think so, you know, well - - -

Q72 No, that's fine.

A Yeah. Yeah.

Q73 It's just, you didn't, you didn't, you didn't do that?

A No, I didn't do that, no, no, no.

Q74 O.K.

A Actually I asked Adrian to do, yesterday, whether he did any mouth to mouth on him down below, 'cause I thought I might have, you know, but - - -

Q75 And what did Adrian say?

A He said no, he didn't.

Q76 Right. So, once, once you did the, the pumping of the chest, he, he started to breathe and - - -

A Yeah.

Q76 - - - by himself - - -

A Yeah.

Q77 Yeah.

A Yeah.

Q78 And how soon did the colour come back into Jasper?

A Just, it was slow, but you know - - -

Q79 Yeah.

A - - - he, probably 30 seconds, or 45 seconds,
..... yeah.

Q80 O.K.

A And it just sort of gradually just came back, you know.
It wasn't, it wasn't our colour, you know - - -

Q81 Yeah.

A - - - it was sort of still the pale blue, yeah, yeah.
But -

Q82 O.K.

A Yeah.

Q83 Now, Jasper told us yesterday that he had a head injury
..... was he bleeding from the head at the time
that you can recall?

A I think he did have one little cut on his head, yeah.

Q84 Was there any need for you to do first aid on that?

A No. No. It wasn't profusely bleeding or anything like
that, you know, it was just, maybe a

Q85 O.K.

A He, he may have even done that when we pushed him down
inside too, I don't know.

Q86 All right. Now, you spoke about the batteries and that

you timed, you estimated the time to be over was about three and a half minutes and later on you did the test on the batteries and it took about three and a half minutes to - - -

A Yeah. We - - -

Q86 - - - empty the batteries.

A Yeah.

Q87 How, what were the size of those batteries, were they heavy truck batteries?

A Big ones.

Q88 Yeah.

A Yeah.

Q89 And what would you say in size?

A What are we looking, probably 16 inches by about 8, by, yeah, by 8.

Q90 Yeah.

A Yeah.

Q91 And how many batteries were there?

A Two.

Q92 Two batteries?

A Yeah.

Q93 Right. Now, you said that all the water had expelled out of the batteries?

A Yeah.

Q94 And you're still, when you were in Eden you were still fortunate enough to have power to start the batteries?

A Yeah. Yeah.

Q95 Start the motor - - -

A Yeah.

Q95 - - - from the batteries?

A Yeah. Yeah. I just had enough.

Q96 O.K. And you obviously you did very well to get the motor started. What was the problem with the motor?

A All the electrics were just covered in water, 'cause it's a diesel, and the glow plugs, 'cause that thing needs a bit of power from glow plugs and it, it wouldn't turn over and all the ignition shorted out, I had to use screwdrivers and things I had to bypass all the ignition system completely so it would start. Yeah.

Q97 Now, I'd like to talk to you a little bit more about the Young Endeavour. After Jasper was put below, how long was it before you sighted the Young Endeavour from when Jasper was put below?

A I'd say probably about an hour.

Q98 And how long did you have the Young Endeavour in sight for?

A Probably three quarters of an hour at least, yeah. We were heading say this direction here, and - - -

Q99 And when you say this direction here, you were - - -

A - - - the Endeavour was going, he was heading towards Eden.

Q100 Yeah.

A So, we're heading towards Eden.

Q101 Well, you believed it was Eden, so it was - - -

A Yeah. Well, yeah, well, yeah.

Q101 - - -

A Yeah. Yeah. Yeah. That's right. we were only going by the angle of the sea, but, you know

- - -

Q102 Yeah.

A - - - before we were going into it, and we had to go, I mean, like, yeah, and the Young Endeavour we saw her, you know, sort of over here and it was back over here before we sort of lost her again, you know.

Q103 So, it was, it was well behind you?

A Yeah.

Q104 Now, was that to the, the - - -

A To - - -

Q104 - - - leeward side or the windward side?

A To the leeward side.

Q105 O.K. So, you were looking down onto her?

A Yeah. Yeah.

Q106 So - - -

A She was a fair way away.

Q107 Yeah.

A She would have been probably four, four, four or five Ks away, sort of thing. Yeah. Although, you know, it was a fairly big sort of a boat, you know - - -

Q108 Yeah.

A - - - you, you could sort of see the, see the masts sticking out of the water and that - - -

Q109 And could you see people on the deck?

A No. No.

Q110 No?

A No.

Q111 O.K. Now, you said you fired the first flare and it went right over the boat, over the boat?

A I, I reckon it went just about over the top of them, yeah.

Q112 Yeah.

A Yeah. Yeah. We shot it off at an angle and it was, yeah, and - - -

Q113 And it - - -

A - - - Malcolm or Mark was expecting a white, he said they should return you with a white flare that they've, you know, recognised it, you know, but we never saw a thing, so.

Q114 O.K.

A Yeah.

Q115 How you ever fired flares before?

A Yeah. Yeah. Yeah.

Q116 O.K.

A I didn't fire the flares though, somebody else - - -

Q117 Yeah.

A - - - fired 'em.

Q118 And it was a parachute flare?

A Yeah. I'm pretty sure it was a parachute flare.

Q119 Now, you've fired the flare and you were looking down wind so that the, the wind and the spray - - -

A Yeah.

Q119 - - - wasn't hitting you in the face?

A No. No.

Q120 No. And the flare was carried straight over the top of the Young Endeavour?

A Yeah.

Q121 And then it was some time later you decided to fire another flare?

A Yeah. It would have been about three minutes, I think. Mark, Mark sort of had it down and he said, "You've got to, you've got to recognise it again with another flare in, in a certain amount of time", which we did, you know.

Q122 Yeah.

A Bob was a little bit upset about using the flares, but

Q123 Why, because of cost?

A No. No. I don't know. But, I mean, you know, you just don't know.

Q124 Yeah.

A Yeah.

Q125 So, so the second flare was fired and there was still no response?

A No.

Q126 How long do you think the time elapsed between the time that you saw the Young Endeavour and the time that it disappeared?

A Be an hour.

Q127 O.K.

A About an hour. The other thing that I would have like

to have spoken to would have been some of the, the helicopter guys that came out to us. They were trying to give us some signals back from in the helicopter but you couldn't, could not see a thing, you know, and the were on the windward side of us and just whop, whop, whop, so you can't hear any noise of course, you know, next thing the guy was out there we give him the hand signals and I would have liked to have known whether they did understand what we were trying to say to them, you know. It was just a little bit of my concern.

Q128 M'mm.

A Yeah.

Q129 Do you think, just on that, do you think that, that some sort of protocol should be put into place in the event of rescue situations where people can understand what the communication they were - - -

A Yeah.

Q129 - - - trying and - - -

A Yeah. Yeah. Possibly, yes. But, I think in the situation like we were there, you could hardly see that guy in the helicopter anyway.

Q130 Mm.

A You know, he was sort of in black and, and sort of give us the signals and all the, the area behind him was black and we could just sort of just see a bit of hand sort of thing, but it was very very hard to see him, you know, so -

Q131 But it was obvious then after some time that he did

understand - - -

A Yeah. Yeah. For sure, yeah.

Q132 Yeah.

A Yeah.

Q133 So, you're quite happy with what Mark - - -

A Yeah.

Q133 - - - Mark did - - -

A Yeah. That's, right, exactly.

Q134 Yeah.

A Yeah. Yeah.

Q135 O.K. And, and again you said you fired a flare, somebody, Mark fired a flare at the, at the helicopter - - -

A Or somebody, I can't remember whether it was - - -

Q135 - - - which, you can't - - -

A - - - Mark or, or one of the other guys, yeah.

Q136 O.K.

A Yeah.

Q137 So, you had enough flares - - -

A Yeah. Yeah.

Q137 - - - at that stage?

A Yeah.

DETECTIVE SENIOR CONSTABLE BEATIE

Q138 Probably, just a couple of questions. In relation to the batteries, just for my own, sort of, so I can get a level on it, you're saying we did testing, I presume what you did was later on you just turned the battery upside down, just waited for it to completely leak out?

A Yeah. Just at work, yeah.

Q139 Do they have, what sort of lids do they have on them to stop them leaking? Or do they have marbles or - - -

A No. They got, it's just the screw on tops with a hole, a breather hole in the top of them.

Q140 O.K. So, you put that - - -

A And that's - - -

Q140 - - - on to come out of the breather holes?

A - - - breather holes, yeah.

Q141 O.K.

A Yeah.

Q142 And, and I presume that the batteries where they were situated would have been completely upside down in the boat?

A Yeah.

Q143 Yeah. And that's - - -

A Yeah. Yeah. They were on the bottom of the boat so the boat's gone upside down and it's just - - -

Q144 So, if they were almost empty and it took three and a half minutes, so you say that's close enough to full time?

A Yeah.

Q145 That's a long time to be upside down, isn't it?

A Yeah. Yeah. Yeah.

Q146 Yeah.

A Yeah. It rocked a few times, you know, sort of backwards and forwards and I said to the boys, "Eh, on the next rock here boys, just all go one way", I said,

"All lean over one way and just help it roll over", which we all did, and, and then it came up, you know, yeah.

Q147 At any time during, during that was there any discussion about deploying the life rafts?

A No.

Q148 No. You didn't think you were in a situation - - -

A Not at that stage, no, no.

Q149 That's O.K.

A No.

Q150 That's all.

SENIOR CONSTABLE UPSTON

Q151 Just on that, you mentioned that the boat was, was rocking a number of times while it was still turned over?

A Yeah.

Q152 Do you believe that with everybody running to one side that it assisted the boat to roll?

A I would say, yeah, I think so, yeah.

Q153 How many of you - - -

A There was six of us down below.

Q154 And you all run to the one side?

A We were all, we were all sort of virtually in the centre of the boat or around the entrance as we're trying to stop water from coming in, we were just holding the plates in with, you know, and I said, you know, "Let's all move over one way when it goes this time, guys", so we, we all did, you know, sort of all

went over and, and she came up, kept on coming.

Q155 All right.

A You know, you could feel it was going to keep on going.

Q156 Yeah.

A Yeah. You know, the equilibrium there.

Q157 So, you believe your, your weight, the, the crew down
- - -

A Would have helped - - -

Q157 - - - below assisted - - -

A Would have helped - - -

Q157 - - - that with it coming back?

A - - - I presumed, yeah, pretty sure it would have.

Q158 O.K. Was anyone else injured apart from Jasper? That
you can recall?

A I don't think so. Probably Bob, Bob's pride might have
been.

Q159 Mm.

A That's for sure. A couple of guys were sick
afterwards, Malcolm was. And that was probably a
little bit of seasick, seasickness beforehand and also
because of the battery acid mixing with the water and
it was vile down below, I'm, I mean I can sort of
breathe a bit of that 'cause I'm working in that area,
these guys are working in offices and things like that.
And the breathe sort of stuff, it's pretty volatile and
it was so strong down there, and I went to go down
below one, once there just to give the boys a hands,
cause they were a bit fatigued out throwing the water

out, and I thought I'll go down and throw some water out myself, and I, I couldn't go down there.

Q160 Mm.

A No way. You know, so I think that got to them then, they stayed down there instead of coming up on deck and taking some fresh air into it, they stayed down below. Yeah. So, and that, that was a bit of a problem, because everything got washed with the acid and everything was ruined as well.

Q161 Was anyone burnt by the acid at all?

A No. No.

Q162 As a result of that?

A No.

Q163 It was just the fumes that was - - -

A Just the fumes and just, you know, like clothing and stuff like that just go ruined, you know, yeah. There's not much acid but, I mean, two batteries, but you know, to mix with the quantity of water that was there, but for days afterwards it was just strong.

Q164 Mm.

A Yeah.

Q165 Were those batteries completely empty?

A I would say there was probably a little bit left in 'em, you know, not completely empty.

Q166 Right.

A Yeah. Yeah.

Q167 And have you heard of gel acid batteries?

A Yeah.

Q168 What are your thoughts on those?

A Well, we had 'em in the boat that I sailed, I'm sailing on Vicky Joe at the moment, the, the chap that owned the boat before that, I had 'em that, I put 'em in it, and we got six years out of those batteries and everybody complained that they wouldn't, wouldn't be any good, you know. And we got six years out those batteries and I can't understand why they don't use 'em in boats all the time.

Q169 Mm.

A And I've said to Bob when he's replacing them this time, I said, "Why don't you put some in like that", and - - -

Q170 Do you know if he did?

A No, he hasn't.

Q171 All right, then. Trevor, is there anything now that you feel that you would like to add that would assist us in our inquiries? About anything you feel?

A I don't think so.

Q172 Did you suffer any ill effects from the - - -

A

Q172 - - - any trauma?

A I have nightmares every now and then, you know. Yeah. Yeah. Just sort of lay there and you know, and think about it, you know, this business and that sort of thing, you just sort of go through a few nightmares, yeah. But I haven't, it hasn't affected me a great

deal at all, you know, like some of the guys. Adrian's been pretty bad, he went to a bit of shrink thing, whatever they call it.

Q173 Yeah. Did you, did you go to any trauma counselling?

A No. I went and saw my doctor straight away when I got back, and he gave me some tablets so, 'cause I said to him, there's a possibility that I'm going to have nightmares about this, you know, 'cause I do sort of dream about things like that, and anything that sort of upsets me a bit, and he gave me some tablets to take and I haven't even used any yet.

Q174 Mm.

A Yeah.

Q175 Mm.

A Yeah. I sort of battled through it and not, you know, been pretty good.

Q176 I know you're not

A I, I've tried to be open about it to everybody 'cause, like, I've got my own business and every customer of my business rang up home to find out what's going on, 'cause they knew I was going away, you know.

Q177 Yeah.

A Yeah. Yeah. So, yeah, sort of put a fair bit of pressure on the family, but, yeah.

Q178 I know you're not, you're not trained in all of this, but from, from what you've learnt in, in, recently and you've mentioned a couple that, that are undergoing, or have undergone trauma counselling, have you ever been

contacted by the CYCA as far as any type of counselling at all?

A No. Nobody's rang me at all no.

Q179 Yeah. You, you were, you assisted in the, the 1998 Sydney to Hobart Yacht Race survey form that was completed - - -

A Yes.

Q179 - - - by, by Bob Francis?

A Yes.

Q180 What are your thoughts on this survey? And I have it here in front of me, and this is to the yacht, Renegade. Just have a look at that, what, what, what are your thoughts on that?

A Actually, I, I thought it was, we received that and sat down for quite a few hours and went through this, the whole group, there was a couple of guys missing 'cause they were gone back overseas, but I thought the concept was quite good. You know, but then we sort of heard nothing about it, and that was what the, probably upset us a little bit, you know, that we hadn't heard anything about it, you know. A lot of my customers said, "What boat were you on?", I said, "Renegade", "Where was that?", never heard a thing about anything from South Australia blokes except Helsail, you know.

Q181 Mm.

A And, you know, and I said, "We rolled over", "Oh, it doesn't say anything about you rolling over, got everybody else there but you", you know.

Q182 Mm.

A And it's a little bit upsetting that, you know, maybe we haven't been recognised in that and that sort line of thing, you know. We didn't snap a mast although it did crack, and, but we're probably a bit lucky in that, that the circumstance we got back to Eden under our own steam, you know.

Q183 Mm.

A Where as a lot of the other guys didn't well they did I suppose in the end, but, no, you had no mast up.

Q184 Mm.

A Yeah. But, not I thought the whole concept of this was, was quite good and, you know, just a matter of supposedly the clubs to go through it

Q185 Right. O.K. All right. Trevor, the, if you've got nothing else to add -?

A I don't think so, no, I can't think of anything else that would be of any detail or -

Q186 Mm. I think, I think that's what I was just, just talking to you about the trauma counselling, I understand from others and from what you've said now that, that people are actually in some sort of difficulty as a result of what happened to - - -

A Yeah.

Q187 What are your thoughts on, on, on counselling after these, these events?

A Yeah. It's probably a good idea. Like, well, young

Adrian, you know, like he suffered a fair bit and he's having trouble getting back on, on a boat, like he wouldn't get back onto Renegade, just tied up at the wharf at, at Adelaide, you know, he just wouldn't get on the boat for weeks, you know, and just to sort of help clean it up and that sort of thing, he was just sort of, just knocked him around more - - -

Q188 Mm.

A - - - you know, he, he'll get on it now, but he won't sail on that boat ever again I don't think. Had a bit of trouble with him on our, on the boat I race on, Vicky J, doing the Adelaide to Port Lincoln race, you know, he sort of on tenterhooks all the time. Yeah. Wouldn't want to go, didn't want to go down below, he'll sit up top.

Q189 All the time?

A Yeah.

Q190 And how long did that take, that - - -

A That a 12, 14 hour race.

Q191 Mm.

A Yeah. Yeah.

Q192 All right, then.

A But I don't know how it's affected any other chaps, I haven't spoken to the - - -

Q193 Mm.

A - - - you know. Wayne, I haven't seen Wayne, but Wayne said he'd never sail again.

Q194 Yeah.

A I don't think he's been on a boat since.

Q195 Yeah.

A Mm.

Q196 Yeah.

A And Wayne was an excellent sailor.

Q197 Yeah.

A You know, excellent sailor, he's done, what, four or five Sydney to Hobarts.

Q198 Mm. All right, then. Well, thank you very much for your time, Trevor. The, the time on my watch is now 11.02am, this interview is now concluded.

INTERVIEW CONCLUDED