

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston of the Sydney Water Police and Garry Schipper of the Victorian Water Police, St Kilda. The time on my watch is now 11.43am and also present seated directly opposite me is Detective Senior Constable Gray from the Bega Detectives. For the purpose of the interview, Garry, would you please state your full name?

A Yeah. Garry John Schipper.

Q2 And your address?

A Number 2, Orchard Drive in Croydon.

Q3 And of course your occupation?

A Is a Police Inspector at Region 1 Headquarters in Melbourne.

Q4 O.K. Garry, and as we explained to you earlier that Detective Senior Constable Gray and myself are making inquiries into the Sydney to Hobart Yacht Race of 1998 and we're speaking to people either directly or indirectly involved in the race. And from what we learned and from speaking to you earlier I understand that on a particular day the vessel that you were participating in the Sydney to Hobart Yacht Race did a manoeuvre called broaching and you were washed over the side, is that correct?

A Yeah. I wasn't washed over the side but I fell over the side as a result of the broach and, and a knockdown.

-

Q5 O.K. Prior to the interview could you, or just as we go along could you just give us your sailing experience?

A Yeah. About 28 years of experience. In that 28 years I've now done 19 Sydney to Hobarts, four Melbourne to Hobarts, I've been on representative teams in two Admirals Cups, Kenwood Cups four, World 1 Ton championships, World Edgell Championships and, you know, just generally having a good time sailing around, Melbourne to Suva, Sydney to Suva, Sydney to Vela and returns, cruising home. Cruised home from Hawaii in '96, heaps of deliveries up and down the coast of Australia, home from Hobart, lots and lots of races up and down the east coast to Hamilton Island, Whitsunday Islands, you know, you name it, I've pretty well been there.

Q6 O.K.

A Victorian representative in the Lexun Cup, you know, all sorts of things.

Q7 O.K. And you sailed this year's, last year's race on the vessel, Challenge Again?

A Correct.

Q8 And the owner of that vessel is Lou Abrahams?

A Yeah.

Q9 O.K. Can we now take you to a time and date, to the 26th where the incident occurred and can you please explain to us about that?

A Yeah. I think it was around about 23.00 hours on the 26th. It was quite dark, wind speed around 30 knots, we'd replaced a reacher, a blast reacher with a number 4 headsail and we had, I think we had one tuck in the main, one reef in the main. After completing the manoeuvres I was standing in the vicinity of the mast, I was clipped on with a harness and illuminating the headsail for the trimmer. I then checked the rig with the aid of a torch. I then got back on the side of the boat, I was on the weather side of the boat, the high side. Then I got back on the deck, moved backwards along the jack stay, clipped onto the jack stay and about halfway back there were sheets and things across the jack stay. I unclipped with intention of re-clipping further aft. At the time we were cruising along as I said about 30-odd knots, probably doing about 9, reaching, sprung sheeted, and the boat was very comfortable. Col Anderson was driving, there were five of us altogether on deck, Col, myself, the regular foredeckhand Nick, and another guy who joined us only for that race, I just can't think of his name at the moment. Lou's probably already given it to him. There were five of us anyhow, on deck. We got hit with a large wave on the rear weather quarter which caused the boat to broach turning it to the right and then also laying it on it's side and this happened in the short time that I was unclipped with the intention of re-clipping. I fell virtually vertically, straight across

the deck and into the water. I went over the safety rails and under the boom and when I got up, or when I rose out of the water the boat was probably 15, 20 feet from me moving away. I heard somebody call, Man overboard, I suppose I panicked momentarily trying to stay above the water 'cause they were fairly big, fairly big seas with a, with a, with breakers on the top, the boat continued to move away from me and I realised I had a torch in my hand which was out at the time but I turned it on and it worked and then I was able to shine it towards the boat and I could see the reflection of the light on the sail so it was quite obvious that they would probably see me. My thoughts went to survival which was just a matter of keeping my head above the water. I tried to discard the gear that I had on. I got rid of one gumboot, couldn't get the other one off because I had it taped on. I had tape over the top of my wet weather gear. I tried to undo my safety harness at the front but every time I pulled my hands in to try and undo it I went under the water so I had to go back to treading water using my arms and I thought that was unsuccessful and I, you know, I was hoping to God that the, the guys would be back fairly quickly. I think they moved away from me probably, I don't know 100, 150 yards, I don't think it would've been much more. I saw them lower their sails and then motor back towards me. They came at me the first time and I think it might've been a bit of a miscalculation

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with the seas and where I was and then they had to duck around, make a quick turn then they laid the boat right next to me the second time. Soon as they, I came in next to the boat I grabbed the rails, they secured lines around me so I wasn't going to, to break free away from the boat again and then fitted the, the life ring around my waist, put a halyard on it and hoisted me up. You got to think that it was 30-odd knots, there were fairly big seas, I was snugged into the side of the boat so it wasn't that I was banging back and forth across, or into the boat. I had no flotation on. I was fully kitted out with gumboots, socks, long johns, I had a pullover but not a snug suit underneath my wet weather gear over the top with a harness. What else, anything that you want to put - - -

Q10 Yeah. Well, then what happened, though, you, you were snug alongside the, the vessel?

A Yeah. That's - - -

Q11 And, and they then attempted to pull you in - - -

A Pull me up.

Q11 - - - over the side.

A Yeah. They tried to, well, they pulled me up but they fitted a, a life ring around me and because of my, I was pretty well exhausted and because of, because I was exhausted the life rig kept on pulling my arm straight back, straight up into the air causing the life ring to almost come up over my head. They had hold of my clothes and my harness. They tried to pull me up with

my jacket, almost pulled that over my head and it was really with a great deal of personal concentration and strength that I kept my arms down and, so that the gear wasn't, wouldn't slip over my head.

Q12 O.K. And then all efforts were, and then they, you were taken on board and placed on the deck?

A I was brought on board and even on the harness I was dropped straight down into the, inside the boat - - -

Q13 O.K.

A - - - through the companion way and inside the boat.

Q14 O.K.

A And they stripped me down there and just put me away

Q15 O.K. Now, not being rude but you're a big man?

A Yeah. I'm about - - -

Q16 And your weight.

A - - - 20-odd, oh, about 140 kilo.

Q17 And all your clothing that you're wearing was, was, was fitting and it was your own - - -

A It was my own - - -

Q17 - - - own clothing.

A - - - personal gear. Yeah.

Q18 And what, what brand was that?

A Musto.

Q19 Now with your, your life, your life line and your harness that you had on, is that your own gear?

A No, it's the boat's gear but it's, it meets with the standard that, the Australian standard of, of whatever's required. It's adjustable and this

-
particular harness was adjusted to my size which was pretty well at it's maximum adjustment. It's, it's snug fitting. Was the, the harness, was that inside your jacket or outside of your jacket?

A No, it was outside my jacket, over the top of all the gear.

Q20 O.K. Do you remember what the brand name of that harness was?

A Got no idea.

Q21 O.K. All right. We'll just go through a couple of things that you mentioned earlier. The, you were going through 30 knots of breeze?

A Yeah, around about 30 knots.

Q22 O.K. And can you recall the wave heights at the time and the conditions of the seas? You said earlier that they were breaking?

A They were breakers on top - - -

Q23 Yeah.

A - - - of the swell, yeah. I - - -

Q24 Keeping in mind that it's night time.

A Yeah. It's night, I don't know they were probably, 10, 12 feet.

Q25 O.K.

A They certainly weren't huge seas.

Q26 And you mentioned earlier that you were preparing masts or sails and that was a, a blast reacher?

A Yeah. A blast reacher is a, it's a sail that you can just, you can use it for, only for reaching where the

-
wind is, like, say from 45, 60 degrees off the wind, probably a bit more, might be 50 to 60 degrees as its ideal angle. It's between a headsail and a spinnaker and it's just a, a type of headsail that you use.

Q27 So it's - - -

A It's a fairly big sail. It's almost the size of a number one heavy headsail, it's just got a higher cut on the, on the foot.

Q28 Mmm.

A As I said you only use it for, you know, when you get off the wind type work or, or partially off the wind work but still forward of the beam.

Q29 So it's just, it's got a specific task - - -

A It does - - - .

Q29 - - - and that's it?

A Yeah.

Q30 O.K.

A And it was replaced because the wind had come up.

Q31 Right. And you were going down a sail?

A We were going down about 4 or 5 sails.

Q32 5 sails.

A Yeah. Yeah, well, the number 4 is the last resort before, before storm gear.

Q33 Yeah. So you were changing gear so to speak?

A Yeah, quite a bit. We had changed it, it'd already been done.

Q34 Yeah.

A Yeah.

Q35 So this was - - -
A It had been done.
Q35 - - - the second - - -
A Yeah.
Q35 - - - manoeuvre?
A Yeah.
Q36 O.K.
A Well, we'd also reefed the mainsel as well - - -
Q37 Right.
A - - - which was to reduce the area of the mainsel.
Q38 Right. Now your position as crewman on the, on the
vessel, Challenger Again - - -
A Yeah.
Q38 - - - was mainly at the mast?
A At the mast.
Q39 O.K. And what's your main function there at the mast?
A O.K. Well, at the mast I suppose pulling up sails
like, operating the halyards at the mast, pulling them
up, pulling them down, assisting the, the foredeck hand
in general, retrieving spinnakers, retrieving, well,
once you pull a sail up then you've got to retrieve the
sail that's coming down, so assisting and retrieving
that, you know, making sure all the clips are on the
sails and so forth at the clue end rather than the tack
end, 'cause the tack ends are all done by the, the
little guy that goes up, right up to the peak of the
boat. But my work is mainly around that mast area.
A O.K.

Q40 And at the time of the broach Col Anderson was, he was driving the vessel as you said?

A Yeah.

Q41 And he's a very experienced helmsman?

A Yeah. Extremely experienced. You know, he's done I think about 24 or 25 Sydney Hobarts, heaps of Admirals Cups which have included the Fast Net Race. He was also, participated in the '79 Fast Net, you know, which was a real drama and he's a bloke that, you know, if the conditions are really adverse he's one bloke that you'd really like to have - - -

Q42 Mmm.

A - - - in control of the boat.

Q43 Well, what, what do you think caused the vessel to broach and lay on it's side?

A Oh, probably the sudden, the sudden wave that hit it on the, on the rear transom, not on the transom, it was on the rear quarter.

Q44 Right.

A The weather quarter. It was a, it came at an awkward angle.

Q45 Mmm.

A And it was one out of the box. It was one that obviously wasn't expected.

Q46 So at that stage you hadn't had a southerly hit you, you were still running with it?

A No, it was a, it was a south-west - - -

Q47 South-west.

-

A - - - I think at the time because we were laying our rum line fairly comfortably with about, I don't know probably 50 degrees off the breeze, 45, 50 degrees off.

Q48 Oh, O.K.

A We were reaching.

Q49 Yeah. Oh, O.K.

A Yeah.

Q50 Yes, you did mention you were reaching earlier.

A Yeah.

Q51 And what side of the rum line were you?

A Oh, I can't tell you. I don't know.

Q52 Yeah. You were a fair way out to sea?

A I'll think, well, we were certainly in the, in the warm current - - -

Q53 Mmm. the southerly current.

A - - - the southerly current and I think we were about 20-odd miles off Montague Island.

Q54 All right.

A Now, I'm not quite sure about that.

Q55 Yeah.

A But you'd have to get onto Lou or the navigator to - -

-

Q56 Yeah.

A - - - work that out.

Q57 O.K. And how, what would you think the duration of the time you spent in the water?

A Well, I don't know but from what I've been told it was 10 to 15 minutes.

Q58 O.K. - - -

A The thing that might sort of help a little bit, I'd equate the incident of getting hit by the wave to somebody driving along the Hume Highway, 2, 3 lanes, 11 o'clock at night, no other traffic, comfortable, got the nice quiet music going, no other traffic around, all of a sudden a kangaroo jumps out in front of you.

Q59 Mmm.

DETECTIVE SENIOR CONSTABLE GRAY

Q60 Mmm.

A And that's basically what happened here.

SENIOR CONSTABLE UPSTON

Q61 Mmm.

A We were cruising along very very comfortably, the boat was comfortable, it was snuggled down, you know, we had the right amount of sail on and we were tracking very very nicely.

Q62 Mmm.

A And you know, the kangaroo jumped out in front of us.

DETECTIVE SENIOR CONSTABLE GRAY

Q63 Yeah.

SENIOR CONSTABLE UPSTON

Q64 Mmm.

A And that's basically how it occurred.

Q65 Mmm. Now, just let's go back a little bit to some of the clothing that you were wearing. You mentioned you had your gumboots on, your wet weather boots?

A Yeah.

Q66 You had a Musto style wet weather gear?

A Yes.

Q67 Which was your own.

A Yes.

Q68 And you had one of Lou's - - -

A The boat's harnesses.

Q69 The boat's harnesses.

A Yeah.

Q70 With, with lanyard.

A Yes.

Q71 And that was on your, the out, the outside of your - -
-

A Of the jacket.

Q72 Of the jacket.

A Mmm.

Q73 You weren't wearing a life jacket - - -

A Right.

Q73 - - - or an inflatable vest?

A No.

Q74 Were you wearing a personal flotation device?

A No.

Q75 All right. Is it the cast that you elect not to wear
one or - - -

A I didn't have one. It's not that you elect it. I
think if you had one you'd wear it, mainly the designs
that they make nowadays they make it more or less as a
snug jacket, lined on the inside and then it's just a
matter of wearing it just as an ordinary sleeveless

vest. And you know, I think if you make, if you wear that sort of thing, well, you know, they're quite expensive - - -

Q76 Mmm.

A - - - but when it comes to you know, a lifesaver, it's probably very cheap. I wish I'd had had one, I can tell you.

Q77 Mmm.

A And I certainly will have one before I take off into the ocean again.

Q78 Right. And as a result of going over and probably being in the water for 10 minutes or more you certainly believe that your exhaustion was, a result of not having any flotation device to assist you or aid you and then the weight of the clothing holding you down?

A Yeah. I think the result of my exhaustion was you know, the effort that I used to - - -

Q79 Mmm.

A - - - stay above the water.

Q80 Yeah.

A I was also copping plenty of, from the breakers, you know, I was swallowing a lot of water - - -

Q81 Yeah.

A - - - so that wouldn't help either. You know, the breakers were sort of breaking over the top of me.

Q82 Mmm.

A And I spent considerable time under the water.

Q83 Right.

A And then, of course, the effort of getting back to the surface and so forth.

DETECTIVE SENIOR CONSTABLE GRAY

Q84 Mmm.

SENIOR CONSTABLE UPSTON

Q85 Right. With, with the life, or the safety harnesses and the type that it was, do you think that the aid of a crutch strap would've assisted?

A Yeah, well, I, I, I've mentioned this to other crew members and you know, other people I've spoken to that I think a crutch strap of some type, and I think it'd only need one strap from, say the back of the harness and then clip it onto the front of the harness - - -

Q86 Mmm.

A - - - I think it would've assisted because when they were pulling me out of the water I did feel my gear coming up over my shoulders.

Q87 And that worried you at the time obviously?

A My word, because I, I would think, see, they had hold of me gear which is easy to, to grab hold of retain hold of but if I'd have been bare skinned, you know, wet slippery skin, I would've been very - - -

Q88 Mmm.

A - - - a slippery person to handle.

Q89 What, what are your thoughts on other, on other safety equipment that you should be, you think you should be carrying at the time, let's say a personal E.P.I.R.B - - -

A A personal E.P.I.R.B - - -

Q89 - - - flares?

A - - - which is, you know, something, you know, about the size of two of these cassette packets together, get a personal E.P.I.R.B about that size. You've now got a torch obviously, or some form of light whether it be a, a life jacket light or a, a, whether it be a life jacket or just an ordinary personal wet weather jacket light. I think a light is essential whether it be a torch or a - - -

Q90 Strobe.

A Yeah. Maybe a strobe or maybe a, a persistent light, but the problem with a strobe is because you're ducking in and out of - - - .

Q91 Mmm.

A - - - the swells, you know, you might be at the bottom of the swell when the light goes on where if, if it's a consistent light it's on all the time.

Q92 Mmm.

A So you're seeing it on top of the waves. See you might be sitting on top of a wave and your strobe's off. You know what I mean?

DETECTIVE SENIOR CONSTABLE GRAY

Q93 Mmm.

SENIOR CONSTABLE UPSTON

Q94 But can I, the, the, let's take for example the Sea Blitz strobe, that flashes at a frequency of 60 to 70 times a minute.

A Yeah.

Q95 So - - -

A Probably be all right.

Q96 Yeah.

A Yeah. I don't know the Sea Blitz light but - - -

Q97 Yeah.

A Yeah. It could be quite all right.

Q98 O.K.

A But even like a, a torch is obviously, you know, that's what saved me.

Q99 Yes. Do you have, is it the case that you always have the torch with you strapped - - -

A No.

Q100 You don't?

A No. But I do have a, a small Mag light - - -

Q101 Yeah.

A - - - which is, I've always got in me pocket anyhow but I didn't pull it out - - -

Q102 Mmm.

A - - - so I don't know effective it, it may have been.

Q103 Mmm. Mmm.

A Right. This thing that I had was a Dolphin torch.

Q104 Yeah. Yeah.

A So - - -

Q105 It was just lucky that you - - -

A I was just lucky that I held it - - -

Q105 - - - held it.

A - - - and retained it when I went.

Q106 Yeah.

A Yeah.

Q107 Mmm. Stuart?

DETECTIVE SENIOR CONSTABLE GRAY

Q108 Now you mentioned before that when you hit the water
 you made a conscious decision as you could to go into
 survival mode?

A Yeah.

Q109 What were your intentions so far as survival mode is?

A Just to stay afloat.

Q110 O.K.

A Yeah.

Q111 Have you had any previous survival training or have you
 - - -

A Not really, I, I've done lifesaving when I was a kid -
 - -

Q112 Yeah.

A - - - you know, when I was a, or a young bloke, not so
 much a kid. I've always been a, a reasonably good
 swimmer.

Q113 Right.

A Never competitive but always swam a lot and, and still
 do swim a lot. Yeah. I suppose that's, that's about
 it.

Q114 Now you said that your exhaustion was such that in that
 10 minutes you had a bit of difficulty concentrating?

A Oh, I don't know about that. I think I was
 concentrating.

Q115 O.K. O.K.

A Yeah.

Q116 Well, well, physically, physically were you exhausted as well as mentally - - -

A Yeah. I was physically exhausted - - -

Q117 Yeah.

A - - - rather than mentally exhausted.

Q118 Right. O.K.

A Yeah.

Q119 How much longer do you think you could've remained safe or, or maintained your floating ability in the water do you think?

A How long's a piece of string? I, I don't really know.

Q120 Right. You can't sort of put some - - -

A I, I think when they had hold of me - - -

Q121 Yeah.

A - - - I probably thought, phew, they've got me, you know.

Q122 Mmm.

A And I probably, you're having a problem there - - -

Q123 It's called hunger.

A Yeah. I think that sort of, you know, I probably relaxed more and became more exhausted, like, the adrenalin was flowing all the time that, obviously that I was - - -

Q124 Mmm.

A - - - I was on my own, but once they had me, you know, things started getting back to normality. I thought, Oh, Jesus, they've got me and I'm - - -

Q125 Yeah.

A - - - you know, I've just relaxed at that.

Q126 Now what was the colour of your clothing?

A Red with white.

Q127 O.K. Now had you eaten prior to going overboard?

A Oh, earlier in the day, you know, but not, probably 7.00, 8 o'clock.

Q128 All right. A fair sized tucker, or, I mean - - -

A I can't even remember what we had.

Q129 I think we had, no, I can't remember what we had but it wouldn't be, you know, it wouldn't be a lot because, you know, we don't have that much really - - -

Q130 Yeah.

A - - - like, you know, it'd be, it'd be a very ordinary type, probably, I can't even remember whether we had a lasagne or what it was. I really can't remember. See usually we have, we buy chickens or something like that. We have bread rolls for a lunch and then we tear apart a couple of chooks and things, usually for the first night out so that people don't have to cook and -
- -

Q131 Mmm.

A - - - and all that sort of thing.

Q132 Mmm.

A So I, I, it could've been just chicken pieces.

Q133 Right. Now the water temperature. How, how did that affect you?

A It didn't because it was quite warm.

Q134 Right.

A In fact, I, that was one of the thoughts that went through my mind at one stage, phew, the water's all right.

Q135 Mmm.

A And I think it was around about 22 degrees.

Q136 Right. You were quite comfortable with that?

A Yeah. That wasn't affecting me at all.

Q137 What did the, what effect did the gumboot have on you in the water?

A There again, you know, you know, I got rid of one - -
-

Q138 Yeah.

A - - - and the other one hung on. I don't really know -
- -

Q139 Yeah.

A - - - because, you know, I, I wasn't thinking about - -
-

Q140 Yeah.

A - - - what effect this was having or that was having.

Q141 Yeah.

A The big thing was that the boots that I had were like one and a half sizes too big - - -

Q142 Mmm.

-

A And the one that I got off removed nice and easy. The problem I had with the other boot was when I, the velcro on the leggings of the, of the pants isn't long enough to sort of, to stop the water coming up the inside of the pants, like, along the outside of the boot and the inside of the pants. So what us very clever fellows do is we put some electrical tape around it, all right, to stop the water coming up. And in hind sight us very clever blokes are pretty stupid because, you know, that's why I couldn't get the other boot off - - -

Q143 Mmm.

A It was because the electrical tape, and of course I couldn't reach down to undo it - - -

DETECTIVE SENIOR CONSTABLE GRAY

Q144 Mmm.

SENIOR CONSTABLE UPSTON

Q145 Mmm.

A - - - because every time I, you know, I was trying to spend water, or time above the water rather than under the water and that's why I couldn't get rid of the other boot.

Q146 Did that fill up with water

A I would, I would think so.

Q147 Right.

A I don't know.

-

Q148 Now did the, the clothing that you were wearing did that give you any sort of flotation, assistance, do you think?

A I don't know.

Q149 O.K.

A

Q150 That's fine. I, I suppose it's hard to remember now, or, or to think about it but if the situation became so bad that you were having trouble staying above the water would you dump all your gear?

A Well, I couldn't because I couldn't get the harness undone for a starter.

Q151 Right.

A Because every time I brought my hands in to undo the harness I went under the water, right, and I abandoned the attempt of trying to take clothes off fairly early, you know, because I could see the boat was stopped - -

-

Q152 Yeah.

A - - - I, I could see them lowering the sails and then I saw them coming back to me.

Q153 Yeah.

A So my main thoughts were to stay afloat until they could be there, until they could get to me.

Q154 Yeah. O.K. Garry, is there anything you'd like to add now and take the opportunity to discuss any issues, safety issues that you've thought about in the past that would assist us with the inquiry?

A Yeah. Well, I think a strop of some kind on the harness, like a crutch strop. As I said it only needs the one. I think I've described how it may be done. It might be a bit uncomfortable, I don't know but I think in the adverse conditions that you'd be wearing harnesses anyhow, everything's uncomfortable. So, you know, I don't think it'd be a problem. The circumstances that I had, you know, may be certainly a, a light on the, on your jacket, maybe a personal flare. I think in the case of, was it John Campbell that went off Kingara, you know, maybe a personal E.P.I.R.B. I don't think I was in the water long enough for a personal E.P.I.R.B to assist me and my crew never ever got far enough away and I think because I was able to signal to them with a torch - - -

Q155 Mmm.

A - - - we maintained contact. But with John Campbell, he virtually lost contact with his boat, they weren't in a position to, to come back and retrieve him for whatever reason I don't know. So a personal E.P.I.R.B if he could have activated it, you know, I'd say it certainly would've helped the chopper - - -

Q156 Mmm.

A - - - to retrieve him and, you know, and I think John was extremely fortunate that, that he was found.

Q157 Mmm.

A - - - and it was accidental almost that he was found. So, you know, that sort of thing, and of course, a

flotation vest, I've, I'd say, you know, is probably, you know, an essential part of equipment in the future.

DETECTIVE SENIOR CONSTABLE GRAY

Q158 Mmm.

SENIOR CONSTABLE UPSTON

Q159 O.K.

A The other thing that also I think should be highlighted that many life rafts I've since discovered don't have a, an E.P.I.R.B in their survival kit and I think that's absolutely ludicrous.

Q160 Mmm.

A But then again if you've got people with personal E.P.I.R.B's you probably don't need one in the life raft anyhow, you know, because you've got hopefully people in the life raft all having their personal E.P.I.R.B's.

Q161 Yeah.

A You set 'em off one at a time.

Q162 Yeah. But it is the case where you could become separated - - -

A Yeah.

Q162 - - - from the life raft - - -

A Sure enough. Yeah.

Q162 - - - whereas unfortunately, I don't know whether you're aware of it but three were thrown from a life raft - - -

A Yeah. From the Winston Churchill.

DETECTIVE SENIOR CONSTABLE GRAY

Q163 Yeah.

SENIOR CONSTABLE UPSTON

Q164 Yeah.

A Yeah.

Q165 So there's always that.

A Yeah. But if you've got a personal E.P.I.R.B's on and there's three men or four men in, or four persons in a life raft you set, activate one at a time - - -

Q166 Mmm.

A - - - right, those men are together. O.K. If one gets washed on board, 'cause it was unfortunate enough to get washed overboard as occurred, all right, well, you activate another personal E.P.I.R.B.

Q167 Mmm.

A You know, three or four people have got them, or if each of the crewmen have got them, you know, you're three quarters of the way there.

Q168 Well, do you think that should be a mandatory thing, personal E.P.I.R.B's? What's your views on that?

A Yeah. I, I say why not.

Q169 Mmm.

A You know, for a lifesaving device - - -

Q170 Mmm.

A - - - like, a personal E.P.I.R.B and a, and a flotation vest together, you know, could have saved a lot of problems, like, John, what's his name, Quinn - - -

Q171 Mmm.

A - - - the guy that went over. He had one, he had the flotation vest but he didn't have a personal E.P.I.R.B.

Q172 Mmm.

A So if he could've combined the two or even a torch or mini flares, you know, like, he would've been picked up a lot earlier, wouldn't he?

Q173 Mmm. Yeah.

A So - - -

Q174 You said before that you didn't have a life vest. Did you mean you didn't have one on?

A I don't, I don't - - -

Q175

A I don't possess one.

Q176 You don't possess one?

A No.

Q177 But there was one on the boat available - - -

A There, there are life jackets - - -

Q178 Yeah.

A - - - or life, I don't know what, life jackets, is that what you call 'em?

DETECTIVE SENIOR CONSTABLE GRAY

Q179 Personal flotation device.

SENIOR CONSTABLE UPSTON

Q180 Personal flotation device.

A Yeah. They've got them but that, we, what I'm talking about is an actual vest that you wear as normal body gear all the time, right, in adverse conditions. And I think they're made down in Tassie, there's one crowd,

Stormy Seas, they make one down there and you know, I've seen the models, I've seen other people, I think Lou's got one and there's, I've seen a lot of them with, that people have and they're comfortable, or they look comfortable and obviously you can wear 'em as a warmth garment as well as if, you know, the proverbial hits the fan you can wear it as a lifesaving garment.

Q181 Well, not having one in this instance were you aware of where life jackets were stowed away?

A Oh, yes, yeah. I was certainly aware where life jackets were on the boat. I know where the harnesses are, I know where the flares are, the rafts, the E.P.I.R.B, and we discussed even before we started the race and it's been a, a drill of ours on the boats that I've, I've been with Lou for, oh, on and off for 20 years but consistently for about the last 12, 12, 13 years. One of our drills before we get started in the Hobart is we go through the safety gear, where the safety gear is, man overboard drills, what we do, who's responsible for what, which buttons to press, so basically everyone on the boat knows what occurs and I believe even with my incident the man overboard button was pushed - - -

Q182 Mmm.

A - - - but as you probably realise when the boat broached and laid on it's side everybody else downstairs was thrown around as well so I don't know how long after it was activated - - -

-

Q183 Yeah.

A - - - you know, after the, the drill. I know Lou activated himself. He, he did it personally. He got thrown against the stove I think, on the leeward side, so, you know, but we had all gone through a discussion exercise if you like before, like, half an hour, three quarters of an hour before we started in the Hobart Race.

Q184 Mmm.

A And that's been a drill that we've conducted on all the boats that I've sailed with, with Lou for years.

Q185 Mmm.

A Yeah.

Q186 With the life jackets on board that vessel have you tried one of those jackets one?

A Yeah.

Q187 Does it fit O.K?

A Oh, yeah, there's no problems, it's just - - -

Q188 Yeah.

A - - - a thing that you slip over your head and it's similar to the type of things that you'd have, you know, on aircraft - - -

Q189 Yeah.

A - - - only it's a, it's not one of those blow up ones it's a, a full flotation - - -

Q190 Mmm.

-
A - - - all the time, you know. It's got a, a thing
behind the head like a padded area behind the head and
it's, you know, fully - - -

Q191 Mmm.

A - - - done up and you just tie it up at the sides and
that's it.

Q192 O.K. Anything else?

A Not really.

Q193 O.K. The time on my watch is now 21.20pm. This
interview is now concluded.

A Yeah.

INTERVIEW CONCLUDED