

Mr. Jonathon Beatty
Acting Regional Harbourmaster
819 MacArthur Avenue East
Pinkenba Qld 4008

Dear Jonathon,
Statement and screen shots as requested from the inbound pilotage by aboard
ITAL LIRICA 1830 – 2200 17 July 2018.

Statement of Bay Transit onboard M.V. Ital Lirica – Monday 16th July 2018

I boarded the M.V. Ital Lirica (IMO 9322487, LOA 294.20 m, Beam 32.2 m, Draft 12.00 m E/K) at the pilot boarding ground at 1830 hrs Monday 16th July 2018. After the Pilot Master exchange, I reported in to Brisbane VTS. As part of the traffic information provided I was advised that there were two vessels dredging in the dredge area to the south of the Spitfire Channel. The vessels were the Riverside Resolute and the Darra.

At approximately around NW6 I visually observed the bright working lights of the vessels working in the dredge area.

At approximately NW10 I noted that there was only one vessel working in the dredge area. I did not hear on the VHF that the Riverside Resolute had departed the dredge area Inbound towards the entrance beacon. But detected this my viewing the ships electronic chart.

Between NW 10 and NW12 I noticed that the Darra had extinguished her deck lights and I could see what I assumed was her stern light. Once again, I did not audibly hear the Darra report to VTS that she was departing the dredging area.

As I approached the course alteration at M1 I clearly observed the lights of NW3 and NW4 beacons. Using a combination of visual observation and my PPU I altered course from 110 degrees to 164 degrees. Once I steadied on 163 degrees I was on track (within one ships beam) of the course line. This was confirmed by my visual observation and confirmed by my PPU.

As I cleared the Spitfire channel and proceeded on the 164-degree course towards the M3/M4 course alteration I visually observed that the Darra was making way from the dredged area and I concluded that she was heading towards the East Knoll by-pass. The Darra was well to the west of my track and as I was proceeding at 18 knots my focus was on maintaining my vessel on track and preparing for my next course alteration.

When I was approaching the course alteration at M3 to M4 (from 164 deg to 136 deg) I confirmed by both visual observation of M4 beacon and my PPU display that I was at the wheel over point. At this time the Darra was two points forward of my beam. I could not visually see the M3 beacon light and I assumed that as the Darra was in an approximate position that was a transit between my vessel, the Darra and M3 that the beacon light was obscured by the Darra.

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14 Argyle Street
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Email bmp@brisbanepilots.com.au

I altered course onto the 136 deg my focus was to ensure my vessel was on track heading towards M5 beacon.

As I steadied the vessel on the 136-degree course I did not look astern at the Darra or M3 beacon. My inward transit continued without incident. My vessel berthed head Up at F1 #9 with first line at 2200 hrs Monday 16th July 2018.

This is a true account of my observations and recollections of my inbound transit on the vessel stated above

Brisbane Marine Pilots
1300 hrs Thursday 19th July 2019

Street Address
Suite 2 Argyle Place
14 Argyle Street
Albion Qld 4010

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PO Box 306
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ABN 29 010 836 496

Phone +61 7 3624 6500
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Web www.brisbanepilots.com.au
Email bmp@brisbanepilots.com.au

76884-mom



Statement Number

001

Date

23/07/2018

Statement of

Name of witness

[Redacted]

Date of birth

Age

Part Refuse Sch.4 Part 4 s.6 PI

Occupation

Deckhand/Excavator Operator – Yamba Shipping Pty Ltd

Shipping Inspector/Authorised Officer taking statement

Name of Inspector (full name)

Richard Cresswell

Position (insert position title, for example, marine officer)

Marine Officer

Region (for example, Cairns)

BRISBANE

Base office (for example, Weipa)

PINKENBA

Registered Number

T 344

states:

- 1.
- 2.
- 3.

[Redacted]

- 4. On the 16th July 2018 I was working aboard the vessel 'Darra' conducting transfer operations which requires me to move 6 – 10 buckets from the back hopper to the front hopper. During the dredging operations I level the load off to keep the vessel stable which I do myself without direction.
- 5. I am not sure of the exact time, the Master has those details, but around 7:30pm to 9pm we finished dredging, the boys left [redacted] and [redacted] pulled up the anchor, I assisted on the bow. I then went down to the back and hopped into the excavator then picked up the screen and emptied it and hosed it out. Then I put it back into position. Then after that I started transferring. This was approximately 40-50 minutes after we left the anchorage. I then jumped back into the excavator and started transferring the sand.
- 6. Normally I make communication with the Master via UHF however I didn't because there were only a few buckets to transfer. I always slew the machine across the starboard side of the vessel.
- 7. I began transferring, on about my third bucket transfer I felt the machine kicked up and slid across the skids and made a good bang. I was sitting in the seat and it pulled me forwards. I have never felt this sort of impact before.
- 8. I have hit the work platform before as well as the dredge pipe, on both of these incidents it only gave a big bang and a little slide, nothing major.
- 9. At the time I thought I had hit the dredge pipe. I slewed back around and checked to see if the Master recognised anything, he was in the wheelhouse and did not look at me so didn't realise anything had happened. So I completed my task.

- 10
- 11

[Redacted]

- 12. On Wednesday the 18th July 2018, [redacted] told me he has an interview with MSQ so I then told [redacted]. I then said to [redacted] what happened that it was a big jolt and a big bang.



- 13. The excavator bucket extends approximately 8 metres over the side. The bucket is about 4-5 metres above the deck when you slew it around.
- 14. I didn't feel the boat change course or feel the boat slow down.
- 15. On the 23rd July 2018 I gave this statement to Marine Officer Richard Cresswell at The Yard, Hemmant Brisbane.

Justices Act 1886

I acknowledge by virtue of section 110A of the *Justices Act* that:

- 1. This written statement by me dated 24/07/ 2018 and contained in the pages numbered 1 to 2 is true to the best of my knowledge and belief, and
- 2. I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know false.

Signature .

Not Relevant

Signed at Hemmant this 23rd day of July 2018.

Released under RTI-DTMR



Statement Number

1

Date

23/07/2018

Statement of

Name of witness

[Redacted]

Date of birth

Age

Part Refuse Sch.4 Part 4 s.6 PI

Occupation

Deck Hand

Shipping Inspector/Authorised Officer taking statement

Name of Inspector (full name)

Paul David McCallum

Position (insert position title, for example, marine officer)

Marine Safety Inspector

Region (for example, Cairns)

Brisbane

Base office (for example, Weipa)

Pinkenba

Registered Number

T 301

states:

1. [Redacted]
2. [Redacted]
3. My duties include vessel maintenance and operating the dredge pump.
4. On the 16th July 2018 I was a deck hand on the vessel Darra.
5. I recall about 11.00am we departed The Yard for Spitfire Channel. We generally depart on the outgoing tide and try to return on the incoming tide.
6. I recall we arrived at Spitfire Channel around 3.00pm.
7. When we had finished loading the vessel we departed. I am not sure what time this was but recall it was dark. Everyone then got off the deck and [Redacted] got in the excavator to sort the sand from one bin to the other.
8. I then went for a break and something to eat in the kitchen area at the stern of the vessel.
9. I did not notice any sudden change of course or slowing of the vessel on the return trip.



10. We arrived back at The Yard that night and unloaded some sand.

11. Once completed I drove home.

12. On the 23rd of July 2018 I gave this statement to Marine Officer Paul McCallum at The Yard Hemmant Brisbane.

Justices Act 1886

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- 2. I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

Not Relevant

Signature

Signed at Hemmant this 24th day of July 2018.

Released under RTI - DTMR



Statement Number

001

Date

23 July 2018

Statement of

Name of witness

[Redacted]

Date of birth

Age

Part Refuse Sch.4 Part 4 s.6 PI

Occupation

Deckhand – Yamba Shipping Pty Ltd

Shipping Inspector/Authorised Officer taking statement

Name of Inspector (full name)

Richard Cresswell

Position (insert position title, for example, marine officer)

Marine Officer

Region (for example, Cairns)

BRISBANE

Base office (for example, Weipa)

PINKENBA

Registered Number

T 344

[Redacted] states:

1. [Redacted]
2. [Redacted]
3. [Redacted]

4. On the 16th July 2018 I was working aboard the vessel 'Darra' for its entire voyage which was to Spitfire, Moreton Bay for sand dredging operations. My role is operating the pumps for the holds. Once the operations have been completed I clean the screen which involves hosing the screen out and assisting the excavator driver to replace it back into position. I also am responsible for lifting the anchor which I did on this night, which was approximately 7 pm.
5. I radio'd to the Master [Redacted] that the anchor was clear and then went off deck. I have a shower, dinner and then lay down for a few hours until we get back alongside our Hemmant terminal.
6. I was having a shower at the back of the vessel but cannot recall anything out of the ordinary.
7. I assisted the vessel berth alongside and then finished my duties and went home. I said goodbye to the other crew but nothing was mentioned in regards to anything happening.
8. On Wednesday the 18th July 2018 I was made aware that an incident occurred after speaking with [Redacted] who advised that [Redacted] had hit a beacon with the excavator.
9. I have nothing else to say in regards to the operation of the vessel on the 16th July 2018.
10. On the 23rd of July 2018 I gave this statement to Marine Officer Richard Cresswell at The Yard, Hemmant Brisbane.



Justices Act 1886

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2. I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

Not Relevant

Signature

Signed at Hemmant this 24th day of July 2018.

Released under RTI - DTMR



Maritime Safety Queensland Statement of Witness

Statement Number

Date

001

26 July 2018

Statement of

Name of witness

Date of birth

Age

Part Refuse Sch.4 Part 4 s.6 PI

Occupation

Shipping Inspector/Authorised Officer taking statement

Name of Inspector (full name)

Position (insert position title, for example, marine officer)

Richard Cresswell

Marine Officer

Region (for example, Cairns)

Base office (for example, Weipa)

Registered Number

BRISBANE

PINKENBA

T 344

states:

- 1.
- 2.
- 3.
4. On the 16th July 2018, I commenced work aboard John Oxley II. At approximately 2220 hrs we departed our berth at Lytton in the Brisbane River for our dredging area at Spitfire realignment channel, northern Moreton Bay. We proceeded on our normal route through an area known as East Knoll By Pass Channel and approached the Main Shipping channel. We enter the Main Shipping channel just to the ES/E of the beacons known as M3 and M4, passing M3 down our port side as we head outbound. At approximately 0150 hrs I noticed that I could not see the green light of M3, I then asked crew to confirm via binoculars if they could see the M3 beacon green light, upon confirmation neither crew could see this beacons light, I made contact with Brisbane VTS on VHF channel 12 at approximately 0210 hrs to report that the beacon M3 was unlit.
5. At approximately 0615 hrs I again contacted Brisbane Vessel Traffic Services on VHF 12 and informed VTS that I had reported the M3 beacon as unlit during the night just past. Due to daylight I could now confirm that the entire beacon was missing. I also report that I was unable to see any disturbance on the sea surface of the previously known position of the M3 beacon, as I was passing this location on my inbound voyage after completion of our dredging operations.
6. At approximately 0900 hrs I received a telephone call from Brisbane VTS [redacted] regarding the M3 beacon. This conversation was a few minutes in length, covering my observations around the Beacon in question. I informed [redacted] that upon my departure from my berth at Lytton the previous night, I noticed both other dredge's "Darra" and "Riverside Resolute" were on their approach to their berths and how strange I thought it was that neither had reported this beacon as being unlit.
7. I also made comment that for both other dredges to arrive at their berths at the same time, the "Darra" would have had to of left the dredge grounds some 2 hrs prior to the "Riverside Resolute" due to speed of both vessel's, Riverside Resolute being of superior speed, this had me jumping to conclusions of whom may have collided with this beacon.
8. I made a telephone call to my relieving master [redacted] whom was starting work at Lytton at 1030 hrs. I explained to [redacted] the situation of the missing beacon M3 and asked [redacted] to try and observe both the "Darra" and the "Riverside Resolute" Starboard bow for evidence of damage.
9. [redacted] confirmed with myself upon shift change over that he was unable to see damage on either vessel.
10. On the 25th July 2018 I was contacted by Marine Officer CRESSWELL who requested that I complete this statement.



Justices Act 1886

I acknowledge by virtue of section 110A of the *Justices Act* that:

1. This written statement by me dated 26/07/ 2018 and contained in the pages numbered 1 to 2 is true to the best of my knowledge and belief, and
2. I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

Not Relevant

Signature

Signed at Brisbane this 26th day of July 2018.

Released under RTI - DTMR

INTERVIEW GUIDE

This is an interview-conducted at Pinkenba between Richard Cresswell and

This interview will be recorded on this digital voice recorder and camera, a copy of the recording will later be made available at your request. Do you understand that?

A. Yes.

The time of commencement is 1202 am/pm (time) on the 19th July 2018

Q. Do you agree that we are at Pinkenba and the time now is 1203 and today is Thursday the 19th July 2018?

A. ✓

Part Refuse Sch.4 Part 4 s.6 PI

I ask that all persons present formally announce their attendance. My full name is Richard Garnet Cresswell, I am a Shipping Inspector appointed in accordance with the Transport Operations (Marine Safety) Act 1994 and my identification number is T344.

Do you agree that I have just shown you my Shipping Inspector's identification?

A. Yes.

Invite corroborating officer/solicitor/support person to announce their attendance.

Q. What is your full and correct name?

A. _____

Q. What is your current address?

A. _____

Q. What is your date and place of birth?

A. _____

Q. What is your occupation?

A. Master IV.

Q. What standard or education have you attained?

A. _____

Q. Can you read and write the English language?

A. _____

Q. Have you consumed any alcohol in the last 8 hours or recently taken any drugs or medication?

A. _____ (if yes, request details)

Administer caution for possible indictable offence investigation

Q. I am going to ask you questions concerning the destruction of a Starboard Lateral Beacon in the Main Channel, Moreton Bay – known as 'M3'.

I warn you that you are not obliged to answer any questions or make any statement as anything you say will be recorded and may later given as evidence.

Do you understand that?

A. Yes.

Q. I also advise that it is an offence to state anything that you know to be false or misleading. Do you understand that?

A. Yes.

Q. If you do not understand a question or anything I say, please advise me and I will rephrase my question. Do you understand that?

A. Yes.

Q. Where you the Master aboard the 79.9m Sand Dredge 'Dara' on the 16th of July 2018?

A. Yes.

Q. What time did you start and finish your duties as Master aboard the Darra for that shift?

A. 10:30am → 12:20pm.

Q. Did you have any other qualified watchkeepers aboard?

A. Class 1 Engineer.

Q. What crew did you have aboard on the shift that began on Monday 16th July and what were there duties?

A. Part Refuse Sch.4 Part 4 s.6 PI

ENG.
Class 1
GP H
Excavator/GPH

Q. Can you take me through your shift that began on the 16th July 2018?

A. _____

GPH.

Q. Do you agree that you called me yesterday afternoon at 4:40pm and stated that

 had contacted you and advised that his son who was the excavator operator that the bucket of the excavator hit the M3 beacon knocking it over?

A. Yes.

Q. You advised me that you were going to speak to this morning in relation to the Excavator Bucket hitting the M3 beacon, can you tell me what was said?

A. 1:30am @ Berth.

Q. Can you confirm that this is a copy of the Chart for the main channel, Moreton bay and the highlighted area is the Starboard lateral beacon known as M3? Marked as Annex A.

A. _____

Q. Please draw in your vessels track from your anchorage to a position abeam M6 on this copy of the chart marked Annex A?

A. _____ Please sign the bottom right corner of the page.

Q. Where were you at the time the vessel approached and passed the M3 beacon?

A. Wheelhouse

Q. Where you on auto-pilot as you approached and passed M3?

A. No autopilot.

AIS. ✓

Q. Do you have any electronic navigational aids such as GPS, Chart Plotter or Radar?

A. ✓ _____ Were they switched on and operational?

A. ✓ _____

Q. Did you have any mechanical or steering problems as you approached and passed M3?

A. No. _____

Q. What was the nearest distance your vessel came to M3 as you passed it at approximately 2011hrs on the 16th July 2018?

A. 10m. _____

Q. During the phone call yesterday you advised that the excavator bucket slews to a position that protrudes 8-10m over the side. Is that distance the same on each side of the vessel? ^{8 1/2.}

A. Yes. _____

Q. Given your vessels track came within this distance from M3, what warnings did you give the excavator driver as you approached?

A. No. _____

Q. Why were you navigating so close to a major navigation aid?

A. No. _____ Even though you knew the excavator was operating and could protrude the distance you had planned to pass the major navigation aid?

A. _____

Q. Can you confirm that this picture is of the M3 beacon?

A. Yes. _____ Marked as Annex B

Q. Given the size of the M3 beacon, what impact do you think it would take to break it in two places?

A. Massive. _____

Q. Do you think this impact would alter the vessels course or speed?

A. _____

Q. Would you be aware of a course alteration of greater than 30 degrees or a sudden reduction in speed from 7.4knots to 3.9knots?

A. Yes.

Q. To your knowledge did anything occur aboard your vessel or with your vessels track or speed when you were in the vicinity of M3?

A. No.

Q. I am going to show you the track from your vessels AIS? Do you have any comments in relation to what I have just shown you?

A. _____

Q. Can you please explain why the vessel made such sudden alterations of course and speed when you were in the vicinity of M3?

A. _____ (repeat caution and question if required)

Q. I am going to show you radar images from the S Band radar at Bribie Island? Do you have any comments in relation to these images?

A. _____

Q. Did you intentionally navigate close to the beacon with the purpose of wilfully damaging the navigation aid?

A. No.

Q. Have you ever contacted VTS to notify them if there was a navigation aid that was unlit or damaged?

A. Yes.

IF YES

Q. So you understand your obligation to report dangers to navigation?

A. Yes. s129 if the master becomes aware of something in the ship's vicinity that is a danger to navigation.

Q. Do you believe that a missing major aid to navigation such as M3 is a danger to navigation?

A. Yes.

Q. Was there any reason why you did not report the damage to M3 by radio on the night of the 16th July 2018?

A. Didn't know I have audio recordings of you on the night contacting VTS, did you have any issues with your VHF radio around that time that would have prevented you from advising VTS of the damage to M3?

A. No.

Q. What do you understand about your obligations as Master in relation to maintaining a proper lookout?

A. _____

Q. Do you think that given you had the excavator operating in front of you that could protrude out to 8/10m that passing so close to a major aid to navigation is something that would be deemed good practice by the ordinary seamen?

A. _____ What is your understanding of Rule 2 of the ColRegs?

(a) Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case

(b) In construing and complying with these rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these rules necessary to avoid immediate danger

Q. What is your understanding of Rule 6 of the ColRegs?

A. Yes.

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

Q. What is your understanding of Rule 7 of the ColRegs?

A. _____

Vessels must use all available means to determine the risk of a collision, including the use of radar (if available) to get early warning of the risk of collision by radar plotting or equivalent systematic observation of detected objects. (e.g. ARPA, AIS).

Q. Was there any reason why you would depart from the requirements under the ColRegs as you approached and passed M3?

A. no.

Q. Do you have anything else you wish to add in relation to the Darra collision with M3?

A. _____

Q. Are you aware of your reporting requirements?

A. _____

Record time of conclusion.

The time now is 1250 am/pm (time) on Thurs. (date) and I will terminate this interview.

Released under RTI - DTMR

1100

6-7 knots.

4-5 knots

Spitfire
3pm

Anchor @ Spitfire
Paperwork
4 1/2 hrs. lunch / Break / keep on eye.

7:45pm.

12:20 am.

Released under RTI - DTMR