

# Maritime Safety Queensland

## **Investigation Running Log**

Marine Incident	MSQ24627	
Number	Case Investigation MSC2126	
Lead Investigator	Brett Williams	

	1			
Date	Time	Officer	Details	
5/11/20	1056	BW	Email received	requesting assistance with referral
			of Marine Incider	nt 12pm 5/9/20 and fail to report
5/11/20	1130	BW	Email	requesting particulars of any witnesses
5/11/20	1410	BW	Email received	advising only witnesses on board
			were children	
26/11/20	0710	BW	Obtain TICA lice	nse and registration details and
			Confir	med registered and licensed at time
26/11/20	0715	BW	Confirmed no ma	arine offence history recorded in TICA
26/11/20	1119	BW	Called number p	rovided for to attempt to arrange
			interview. No ans	swer message left requesting call back,
			recorded.	$\sim$
26/11/20	1142	BW	Return call receive	ved Arranged to attend
			00	conduct ROI Wednesday 2/12/20 1000 hours
30/11/20	0830	BW	Prepare for interv	view 2/12/20
2/12/20	0700	BW	Obtain boat spec	s and layout from Cruisecraft website.
			Obtained extract	s of beacon to beacon charts to identify
			incident location	
2/12/20	0940	BW ( 🗸	Attended	
		2	Conducted ERO	l with
2/12/20	1330	BW	Contacted	PI and
	(	202	obtained a record	ded version of events in relation to the incident
		<u>10</u>	and injury to	PI
4/12/20	$\Delta$	BW	Draft MPIIR and	closure letter
7/12/20		BW	Finalise MPIIR a	nd email to B Philp for endorsement
8/12/20	0720	BW	Mail letter and U	SB containing copy of EROI to
8/12/20	0757	BW	Email MPIIR to	
8/12/20	0815	BW	Update, close an	d finalise MSID case investigation

Page Number: 1 of 41

## MSID RTI Case Report (MSC2126)

Case - MSC2126 - Case Finalised - Closed CU - Operational error - hit other ship's wake

Case Reference	MSC2126-2020
DMS Container	
Subject of Case	Operational error - hit other ship's wake
Operation Name	
TOMSA	Yes
ТОМРА	No
National	No
	5
Category	
Status	Case Finalised - Closed CU
Region (Lead)	Compliance Unit
Investigator	WILLIAMS, Brett J
(Lead)	
Summary of	was traveling in the Broadwater off South Stradbroke Island at
Facts	about 12pm on Saturday 5 September 2020, when he has hit another vessel's wake. This has
	causedto fall forward and hit her mouth. As
	a result PI has broken her front adult tooth almost at the base which required her to attend
	a dentist to have a cap inserted over the tooth.
	Investigations revealed that there was insufficient evidence to substantiate that a marine incident
	occurerd as defined in TOMSA with Marine Incident recategorised as a Cat 5 non-marine incident.
MSQ Attended	No
MSQ Officer/s	
MSQ Contact	
No.	
OPS Attended	No
QPS Officer/s	
QPS Contact No.	
QAS Attended	No
QAS Officer/s	
QAS Contact No.	
QBFP Attended	No
QBFP Officer/s	
QBFP Contact	
No.	
Other Agencies	No
Other Agency	
Officers	
Other Agency	
Contact/s	
Case Assigned	12/11/2020
Case Accepted	26/11/2020
Expected Days to	182
Complete	$(\mathcal{C}_{\mathcal{D}})$
Completion Due	13/05/2021
Date	7.5
Case Complete	8/12/2020
Case Checked	8/12/2020
(AM)	
Case Closed -	
Prosecution	
Case Closed -	
Admin Action	
Case Closed -	
AMSA	
Case Closed -	
Coroner	
Case Closed (CU)	8/12/2020
Case Closed -	
Finalised (AM)	

Case Closed -	8/12/2020
Finalised (CU)	
Review Action	No
Required	
Review Action	No
Completed	
Conclusion	No further action appropriate.
Finalised - NFA	Yes
Finalised -	No
Education	
Finalised -	No
Formal Warning	
Finalised -	No
Infringement	
Finalised -	No
Prosecution	
Finalised -	No
Administrative	
Total Hour of	10.75
Effort	
Notes	
Refer for CU	No
Action	

Role	Involved Ship
Ship Unit	01
Ship Damage/Loss	
Ship Registration Type	40
Details	
Notes	~
Ship Type	Motor Boat
Ship Name	_
Ship Registration	_
Former Names	
Previous Registration	
Make/Model	CRUISE CRAFT HUSTLER
Length (m)	5.7
Beam (m)	
Year Built	
Hull Material	Fibreglass/GRP
Primary Colour	
Power Description	
Number of Engines	
Engine Type	
Total Kilowatt Power	
Total Horse Power	
Identification Number (HIN/SIN)	040585
Notes	TICA

Role	Owner / Master
Ship Unit	01
Injury Status	
Details	
Notes	
Customer Reference No.	
Family Name	
First Name	
Middle Names	
Gender	

Date of Birth	-
Place of Birth	
Nationality	Australia
ATSI	
Also Known As	
ABN	
Photograph	
Full Name	
Email	
Business Phone	
Mobile Phone	
Other Phone	
Home Phone	
Notes	TICA

Notes	
Туре	Other
Task Title	Receipt of investigation referral QPS
Status	Task Complete
Task / Entry Date	26/11/2020
Task / Entry Time	07:28
Assigned / Recorder	WILLIAMS, Brett J
Region	Compliance Unit
Hours of Effort	0.5
Due Date	
Days to Due Date	
Status Indices	1
Task Description	5/11/20 Received email requesting MSQ investigate marine incdient involving
(Running Sheet)	serving
Completed Date	5/11/2020
Notes	

Notes	
Туре	Data Entry
Task Title	Enter MI MSID
Status	Task Complete
Task / Entry Date	26/11/2020
Task / Entry Time	07:30
Assigned / Recorder	WILLIAMS, Brett J
Region	Compliance Unit
Hours of Effor	0.5
Due Date	
Days to Due Date	
Status Indices	1
Task Description (Running	Williams request Andrea H enter Marine Incident and Case Investigation
Sheet)	into MSID created
Completed Date	12/11/2020
Notes	

## NO

Notes	
1)	
Туре	Enquiry
Task Title	Confirm TICA registration and license details
Status	Task Complete
Task / Entry Date	26/11/2020
Task / Entry Time	07:32
Assigned / Recorder	WILLIAMS, Brett J
Region	Compliance Unit
Hours of Effort	0.75
Due Date	

Days to Due Date	
Status Indices	1
Task Description	26/11/20 Access TICA and confirm license and registration particulars, both
(Running Sheet)	current at time of alleged marine incident. Confirmed no marine offence history.
Completed Date	26/11/2020
Notes	

(

Notes	
Туре	Enquiry
Task Title	Offer EROI
Status	Task Complete
Task / Entry Date	1/12/2020
Task / Entry Time	11:02
Assigned / Recorder	WILLIAMS, Brett J
Region	Compliance Unit
Hours of Effort	0.5
Due Date	
Days to Due Date	
Status Indices	1
Task Description (Running Sheet)	1142 26/11/20 Contacted and arrange ROI Wed 2/12/20
Completed Date	26/11/2020
Notes	

Notes	
Туре	Conduct Interview
Task Title	EROI
Status	Task Complete
Task / Entry Date	2/12/2020
Task / Entry Time	13:22
Assigned / Recorder	WILL/AMS, Brett J
Region	Compliance Unit
Hours of Effort	4.5
Due Date	
Days to Due Date	
Status Indices	1
Task Description (Running	2/12/20 EROI conducted at
Sheet)	
Completed Date	2/12/2020
Notes	

) Notes	$D_{r}^{2}$
Туре	Statement Preparation
Task Title	Obtain version from PI
Status	Task Complete
Task / Entry Date	2/12/2020
Task / Entry Time	13:45
Assigned /	WILLIAMS, Brett J
Recorder	
Region	Compliance Unit
Hours of Effort	0.25
Due Date	
Days to Due Date	
Status Indices	1
7 Task Description	2/12/20 Call Pl Obtained
(Running Sheet)	recorded version from PI regarding incident. Actually did not wintness
	incident and advised as told by PI
Completed Date	2/12/2020
Notes	

Туре	Report Preparation
Task Title	Complete MPIIR
Status	Task Complete
Task / Entry Date	7/12/2020
Task / Entry Time	11:30
Assigned / Recorder	WILLIAMS, Brett J
Region	Compliance Unit
Hours of Effort	1
Due Date	
Days to Due Date	
Status Indices	1
Task Description (Running Sheet)	7/12/20 Complete MPIIR
Completed Date	7/12/2020
Notes	

Notes	
Туре	Other
Task Title	Draft closure letter
Status	Task Complete
Task / Entry Date	7/12/2020
Task / Entry Time	11:44
Assigned / Recorder	WILLIAMS, Brett J
Region	Compliance Unit
Hours of Effort	0.75
Due Date	
Days to Due Date	
Status Indices	1
Task Description (Running Sheet)	Complete draft closure letter
Completed Date	7/12/2020
Notes	

-	
	•

Notes	
Туре	Other
Task Title	Mail closure letter & copy of EROI
Status	Task Complete
Task / Entry Date	8/12/2020
Task / Entry Time	08:03
Assigned / Recorder	WILLIAMS, Brett J
Region	Compliance Unit
Hours of Effort	1
Due Date	
Days to Due Date	
Status Indices	1
Task Description (Running	8/12/20 Mail closure letter and USB containing copy of ROI requested
Sheet)	by
Completed Date	8/12/2020
Notes	

	Notes	
	1012	
Q	Notes	
	Туре	Other
(a)	Task Title	Forward MPIIR and Closure Letter OIC
	Status	Task Complete
$\square$	Task / Entry Date	8/12/2020
	Task / Entry Time	08:04
	Assigned / Recorder	WILLIAMS, Brett J
$\sim$	Region	Compliance Unit
	Hours of Effort	1
	Due Date	
	Days to Due Date	
	Status Indices	1

Task Description	8/12/20 Email		eferring
(Running Sheet)	and closure letter to	/12/20.	
Completed Date	8/12/2020		
Notes			

Туре	Case Trigger
Details	The vessel utilised was a 1989 Cruise Craft 5.7m bowrider (Qld reg.
Notes	$\frown$
Marine Incident No.	MSQ24627-2020
Incident Type	Marine Incident
Date	5/09/2020
Time	12:00:00:ttt
Caseman ID	
Incident Report Details	was traveling in the Broadwater off South Stradbroke Island at about 12pm on Saturday 5 September 2020, when he has hit another vessel's wake. This has caused <u>PI</u> <u>PI</u> to fall forward and hit her mouth. As a result <u>Pi</u> has broken her front adult tooth almost at the base which requir her to attend a dentist to have a cap inserted over the tooth.
Water Type	Smooth
Coordinates	
Latitude	
Longitude	
Location Name	Broadwater off South Stradbroke Island
Region	Brisbane (South)
Weather Conditions	Clear
Visibility Conditions	Good
Water Conditions	Calm
Swell Height (m)	
Wind Speed	Moderate (7 - 15 kts)
Wind Speed Wind Direction	North East
Type of Marine Incident	North East Non Marine Incident
Incident Consequence	
Public Interest	Injury (no hospital admission)
	Public interest unlikely
Highest Ship Class	Recreational 0
Compliance Weighting Weighting Reason	No evidence of marine incident
Original Rating Score	4
Final Rating Score	4
	5
Category Fatalities (No.)	0
Injuries - Serious (No.) Injuries - Minor (No.)	0
	0
Minor Damage (Ships)	
Moderate Damage (Ships)	0
Major Damage (Ships)	0
Lost Ships	0
Pollution Category	
Poliution Source	
Pollutant	
Pollution - Extent	
(Length)	
Pollution - Extent	
(Width)	
Pollution - Extent (Area)	
Pollution - Extent (Area)	
(Volume)	
Pollution - Discharge	No
Been Stopped?	
Pollution - Photos	No

Г	Pollution - Video Taken	Na
-	Pollution - Video Taken Pollution - Samples	No No
	Taken	
_	Pollutions - Samples	
	Taken By	
	Pollution - Statutory	MSQ
	Authority	-
-	Pollution - Combat	MSQ
	Authority	
	Pollution - Response	
_	Brief	
_	Notes	
	(H-N1) Failure to	No
_	comply with ColRegs	
	(H-N2) Insufficient	No
-	voyage planning (H-N3) Excessive Speed	No
_	(H-N4) Navigation Error	No
	- Other	
-	(H-P5) Inadequate	No
	training	$\sim$
-	(H-P6) Inappropriate	No
	instructions to crew	$\sim$
	(H-P7) Communications	No
	Failure	
	(H-P8) SMS Failure	No
-	(H-O9) Inattention	Yes
	(H-O10)	No
	Inexperience/lack of	
-	knowledge	
	(H-O11) Bridge Watch keeping failure	No
_	(H-O12) Insufficient	No
	crew numbers	
	(H-O13) Mooring	No
	Failure	
-	(H-O14) Insufficient	No
	maintenance	
_	(H-O15) Overloading	No
	(H-O16) Operational	Νο
-	error - other	
	(M-V1) Bridge or	No
	Navigation Failure (M-V2) Electrical system	No
	(M-V2) Electrical system	No
	(M-V4) Propulsion	No
	system failure	
	(M-V5) Hull Breach	No
	(M-V6) Equipment	No
	failure - other	
	(M-V7) Fuel or gas leak	No
V	(M-DC8) inadequate	No
$\frown$	stability - shifting cargo	
	(M-D9) Inappropriate	No
	hull/equipment -	
	Construction (M-DC10) Inappropriate	No
$\langle \cap \rangle$	hull/equipment - design	
	(M-DC11) Vessel	No
	construction failure -	
$\sim$	other	
	(M-SS12) Shore	No
	structure design	
	(M-SS13) Shore	No
	structure maintenance	

(M-SS14)	No
Gangway/Boarding	
Ladders	
(E-H15) Floating or	No
Submerged object	
(E-H17) Hazardous	No
waters - uncharted	
hazards	
(E-H16) Wash of	No
passing vessel	
(E-H18) Hazard - other	No
(CF1) Insufficient safety	No
equipment	
(CF2) Tidal conditions	No
(CF3) Bar conditions	No
(CF4) Hazardous season	No
(cyclones etc)	
(CF5) Hazardous waters	No
- obstructions	
(CF6) Poor Visability	No
(CF7) Sea state	No
(CF8) Wind	No
(CF9) Heavy traffic area	No
(CF10) Medical	No
condition	
(CF-11) Alcohol / Drugs	No
(CF12) Fatigue	No
(CF13) Failure to wear	No (C)
lifejackets	
(CF14) Failure to wear	No
engine kill lanyard	
MR-T Value	0
MR-C Value	4
MR-PI Value	0 (0)
Days Since (Incident)	132.5

 (Cr.

 engine kin.

 MR. T Value

 MR-C Value

 Days Since (Incident)

 132.5

From: To:	Brett J Williams
Cc:	
Subject:	FW: Alleged failure to report marine incident - CONFIDENTIAL
Date:	Tuesday, 8 December 2020 7:56:00 AM
Attachments:	image002.jpg Marine & Pollution Incident Investigation Report.pdf 201204 Closure Letter MSC2126 signed.pdf
Importance:	High

Good morning

In relation to the below request from have completed my investigation into the incident and alleged failure to report a marine incident by Please see attached a copy of the investigation report, and the closure letter sent to this morning for you information.

If you have any questions or wish to discuss please don't hesitate to contact me.

Kind Regards,

Brett Williams

Manager (Compliance) | Policy, Planning & Regulation **Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

Floor 2 | 61 Mary Street | Brisbane Qld 4000 PO Box 2595 | Brisbane Qld 4001 (07) 3066 3939 | M: NR brett.j.williams@msq.qld.gov.au www.msq.qld.gov.au www.tmr.qld.gov.au

## From:

Sent: Thursday, 5 November 2020 10:56 AM
To: Brett J Williams <Brett.J.Williams@msq.qld.gov.au>
Cc
Subject: Alleged failure to report marine incident - CONFIDENTIAL
Importance: High

Brett,

As discussed yesterday is alleged to have failed to report a marine incident that he was involved in in his personal vessel. This forms part of an internal investigation being conducted by nto the actions of As MSQ are usually the lead agency in investigating this type of incident, I wish to refer this alleged failure to report to your agency.

The information received was the	was traveling in the
Broadwater off South Stradbroke Island at about	12pm on Saturday 5 September 2020, when he
has hit another vessel's wake. This has caused	PI
PI to fall forward and hit her mouth. As a res	sult has broken her front adult tooth

## Page Number: 10 of 41

almost at the base which required her to attend a dentist to have a cap inserted over the tooth.

I have spoken to who admitted that the incident took place, however he stated that it occurred as he slowed down to avoid the wash. stated that he thought the injury was minor so didn't report it, but admitted upon reflection now that he thought it was a marine incident and was aware of his obligations to report this in accordance with the TOMSA. could provide no reasonable excuse for failing to do so if this is in fact deemed to be a marine incident. stated that he took PI to the dentist on Monday 7 September 2020 to have the tooth repaired.

and MED 2. He is also Craft 5.7m bowrider (Qld reg. He holds commercial qualifications as a Master 5 The vessel utilised was a 1989 Cruise which is registered to ontact number is

As discussed, I am trying to ensure that this matter remains confidential so that

From an

internal perspective, we do have some time frames around complaints so I respectfully request that this matter is dealt with in a timely fashion.

If you have any questions please let me know.

Regards,





CONFIDENT!AL!TY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorised. If you have received this electronic message in error, please inform the sender or contac

This footnote also confirms that this email message has been checked for the presence of computer viruses.



Department of Transport and Main Roads

Enquiries Brett Williams

MSC2126

MSC2126

7 December 2020

Dear

Our ref

Your ref

# Incident involving injury to a child on board the recreational ship, registration number on 2 September 2020.

In relation to the incident involving injury to a child on board the recreational ship, registration number which occurred adjacent to Rat Island, Gold Coast Broadwater on the 2 September 2020.

Maritime Safety Queensland's official incident report number for the incident is **MSC2126**. You may be asked to quote this number when making enquiries regarding the incident.

Maritime Safety Queensland is the government agency charged with the regulation of the *Transport Operations (Marine Safety)* Act 1994 (the Act) in the state of Queensland. The agency has investigated the circumstances of the incident and does not propose to take any further action in relation to the incident at this time.

The information captured by incident data assists us in developing strategies to improve marine safety. I have enclosed a copy of the electronic record of interview as requested.

If you have any questions about this matter, please contact Manager (Compliance) Brett Williams on 3066 3939,

Thank you for your interest in marine safety.

Yours sincerely

Brett Williams Manager (Compliance) Maritime Safety Queensland

Maritime Safety Queensland Floor 2, 61 Mary Street Brisbane Qld 4001 PO Box 2595 
 Telephone
 +61 7 30663939

 Facsimile
 +61 7

 Website
 www.tmr.qld.gov.au

 Email brett.j.williams@msq.qld.gov.au

 ABN 39 407 690 291



# Marine & Pollution Incident Investigation Report

Title:	Injury to juvenile passenger
Incident date:	05/09/2020
Category:	Category 4
CaseMan no:	MSC2026
Investigator	Brett Williams
Position	Manager (Compliance)
Division	Compliance
Regional office	Compliance Unit
Address	61 Mary Street, Brisbane Qld 4000
Contact number	(07) 3066-3939
Email	brett.j.williams@msq.qld.gov.au
Report date	04/12/2020

Form F3072 ES v04 Sep 2013

# Summary

Regional office: Compliance Unit	DMS File No:	
Incident date: 05/09/2020 Time of inciden	t: Afternoon	Date reported:
Category: Category 4 Incident typ	e: Onboard inciden	t—Other Onboard Injury
MSQ attended: 🔲 Officers attending:		Contact No:
QPS attended: 🔲 Officers attending:		Contact No:
QAS attended: 🔲 Officers attending:		Contact No:
QBFP attended:  Officers attending:		Contact No:
Aquatic event:  (copy of permit attached)		
Evidence		Add evidence Remove evidence
Restitution Nil Example: costs of oil response, damage to beacons, total cost of repo	airs and so on (attach quo	tes / invoices to report)
Location		
Body of water / landmark: Broadwater, Gold Coast	<u>I</u>	
Latitude:27.8610	Longitude: 153.4	000
Latitude & longitude must be recorded in decimal format for entry ir format must be converted to decimal degree format for entry. For ex		
Waters: Smooth waters (incl. tidal rivers & creeks)		
Conditions		
Weather: Clear	Visibility: Good	
Water: Calm	Wind: Modera	te (force 3-4 / 7-15 knts)
Tide: Unknown		
Pollution		
Source Ship 🗌 Land: 🗍 Unknown: 🗍		[ · · · · · · · · · · · · · · · · · · ·
Pollutant Sheen: 🗌 Diesel: 🔲 Bilge: 🗌	HFO: D Other:	
Extent	or	
Size of slick (length and width in met	185)	Litres

Ship	os ir	nvol	ved
------	-------	------	-----

Add ship

Ship 1.	
Ship name :	
Owners name:	
Owners address:	
Ship type:	Recreational Ship class: Recreational
Ship description:	5.7m Cruisecraft Hustler Bowrider
Reg no:	Boat mark: RUF:
Registering autho	Port of registry:
Registration expi	y: 03/12/2021
Length (in metres	): 5.7 Beam (in metres): 2 Construction: Fibreglass
Engine type:	Outboard No. of engines: 1 Total power (kW): 111.8
Last monitoring c	ate: Written direction:
Previous incident	s: Nil
Master of sh	nip 1.
Masters name:	Place of birth:
Masters address:	Date of birth:
Home phone:	Mobile phone: Work phone:
Email address:	Statement/ROI: 🔀 Coercive powers used: 🗌
Marine licences:	RMDL, PWCL, Master <24m NC
Add deceas	ed or injured persons on ship 1. Add inj. person Remove inj. person
Add crew o	n ship 1. Add crew Remove crew
Add offence	e details for person on ship 1. Add offence Remove offence
Add witnes	SS Add witness Remove witness

# Summary of facts—explain incident & investigations conducted

The Incident Include full particulars of vessels, voyage and	
location of incident.	Whilst adjacent and on the eastern side of Rat Island       and       PI         PI       were seated at the forward padded seats and were reported to have been bouncing up and down on the seat cushions at which time       advised that he stopped the boat and spoke with
	stated that they had been stationary for some time when <u>Pi</u> who had been facing the rear of the boat turned to face forward hitting her tooth on the foredeck area resulting in damage to her tooth.
The	On 5 December 2020 MSQ Manager (Compliance) Brett Williams was contacted by advising of the incident involving
Investigation	and that the incident had not been reported. requested that MSQ investigate the alleged marine incident and failure to report the incident.
	Later on 5 December Williams received an email from with particulars regarding the alleged incident and contact details for Williams replied to the email confirming MSQ intentions to investigate the incident and alleged failure to report.
	On 26 November 2020 Williams obtained license history for and registration history for ship und confirmed that held a current valid recreational marine license and the ship current registration at the time of the incident.
	At about 1142 on 26 November 2020 Williams contacted and arranged to meet at to conduct a record of interview in relation to the incident and alleged failure to report.
	At about 0948 hours on 2 December 2020 Williams attended the ind conducted an electronic record of interview with During
	the interview stated that he was not making way at the time of the incident and had been drifting for some time.
	He further stated that he had stopped to speak with the children who were bouncing up and down on the forward seats and soon after PI had turned to face the front of the boat and hit her mouth on the foredeck resulting in the damage to the tooth stated the boat was drifting and not making way at the time of the incident and that wash, sea state and operation did not contribute to the injury incident. No adult witnesses to the incident were able to be identified.

	ours on 2 i	December 2020 Williams contacted	PI	_of the inj
child,	PI	to obtain a recorded version of events.	PI	
		PI		
Analysis c	of the avail	able evidence determined that there is insuf	ficient evidence	to establis
		able evidence determined that there is insuf		
that a ma	rine incide	nt occurred as defined by s123 TOMSA and f	further insufficie	nt evidenc
that a ma	rine incide		further insufficie	nt evidenc
that a ma	rine incide	nt occurred as defined by s123 TOMSA and f	further insufficie	nt evidenc

## Page Number: 17 of 41

# **Contributing factors**

Contributing factors are not the cause of the marine incident but rather factors that may have contributed to the incident taking place or it's severity. All factors that potentially contributed to the incident should be recorded here.

## Human contributing factors

Alcohol or drugs		Insecure mooring
Commercial pressur	re	Insufficient crew numbers
Excessive speed		Insufficient fuel
Failure to wear engi	ne kill switch lanyard	Insufficient maintenance
Failure to wear PFD		🗌 Insufficient planning
🔲 Fatigue		Navigation error—failure to keep proper lookout
Inadequate training	of crew	Navigation error—other
Inappropriate advic	e to ship—Harbour Control/Port Authority	Navigation error—violation of Colregs
Inappropriate advic	e to ship—Pilot	Operational error—ether
🔲 Inappropriate advic	e to ship—Vessel Traffic System	Overloading
🔲 Inappropriate instru	actions to crew—other	Poor communications
🔲 Inappropriate instru	ictions to crew—poor communications	Poor ship to shore communications
⊠ Inattention		Violation of standard procedures
Inexperience or lack	of knowledge	Violation of statutory rules or standards
Other (human):	Other on board incident resulting in injury t	to juvenile passenger
Material contributin	g factors	
Bridge or navigation	n failure	Inadequate stability—shifting cargo
Electrical failure		Inappropriate hull or equipment—construction fault
Equipment failure -	other	Inappropriate hull or equipment—design fault
Fuel or gas leak		Inappropriate hull or equipment—insufficient maintenance
🔲 Hull failure		Insufficient safety equipment
Inadequate stability	—other	Machinery failure
🔲 Inadequate stability	—overloading	Shore structure badly designed built or maintained
Other (material):		
Environmental cont	ributing factors	
Abnormal tidal conc	litions	Hazardous watersuncharted hazards
Bar conditions	7B)~	🗌 Heavy traffic area
Eloating or submerg	ed object	Poor visibility
🔲 Hazardous season (d	yclones etc)	Sea state
Hazardous waters—	coral reefs	Wash of passing vessel
Hazardous waters-	lack navigation aids	Wind
Hazardous waters—	shifting channel	
Other (environmental):		
*	*****	

Form F3072 ES v04 Sep 2013

# Findings

Add findings

+

1. Insufficient evidence that a marine incident occurred 2. No. 125 TOMSA offence for failing to report given that a marine incident can not be evidenced

# Conclusions

No evidence that a marine incident occurred. No evidence of any breaches of TOMSA. No further action required.

# **Completed** actions

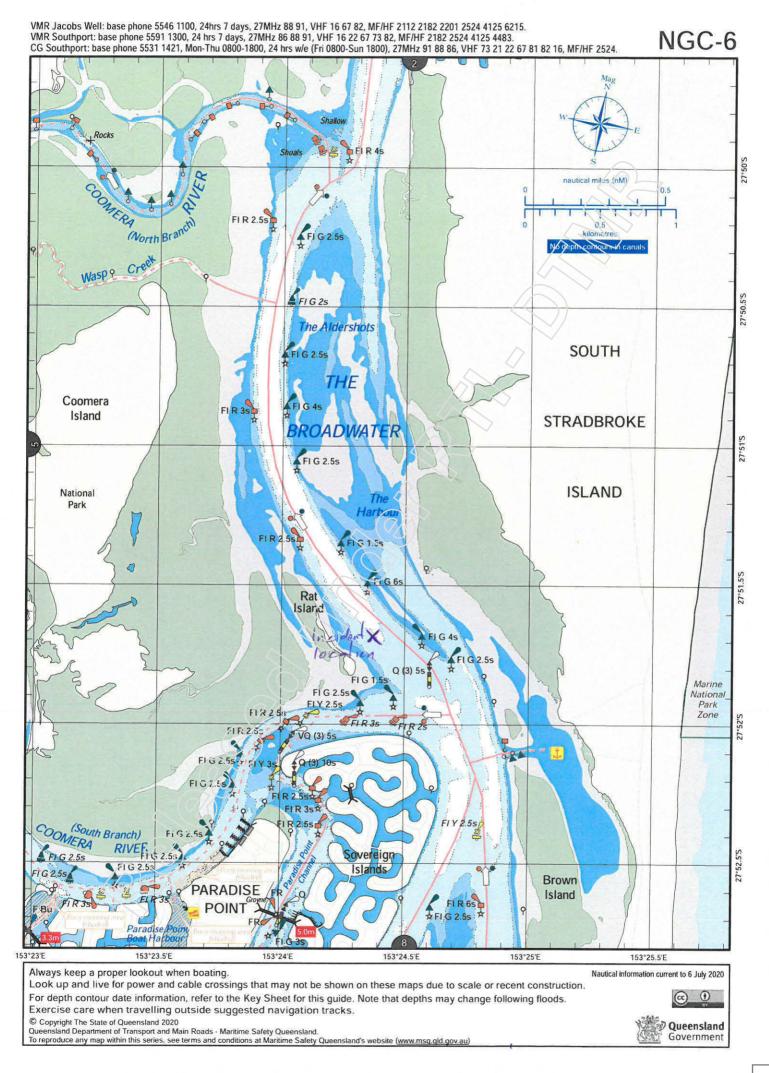
Acknowledg (Not applicable t	Jement letter sent o TOMPA incidents)		Attached	
CaseMan file (Not applicable t	e closed or reassigned o TOMPA incidents)	$\boxtimes$	Attached	$\boxtimes$
Marine incic	lent categorised	$\boxtimes$	Attached	
Ship inspect	ion report (monitoring inspection completed)		Attached	
Written dire	ction issued		Attached	
Photograph	ic evidence taken		Attached	
Exhibits seiz	ed		Attached	
Witness stat	ements	$\boxtimes$	Attached	$\boxtimes$
MIN issued			Copy attached	
Evidence	EROI		Attached	
Other	Beacon to beacon charts, recorded version PI		Attached	$\boxtimes$
POLREP form	n sent		Copy attached	
CaseMan inc	ident, ship and person records updated and validated	$\boxtimes$	Brett Williams	
			By whom (enter name	2)

# For consideration by Compliance Section

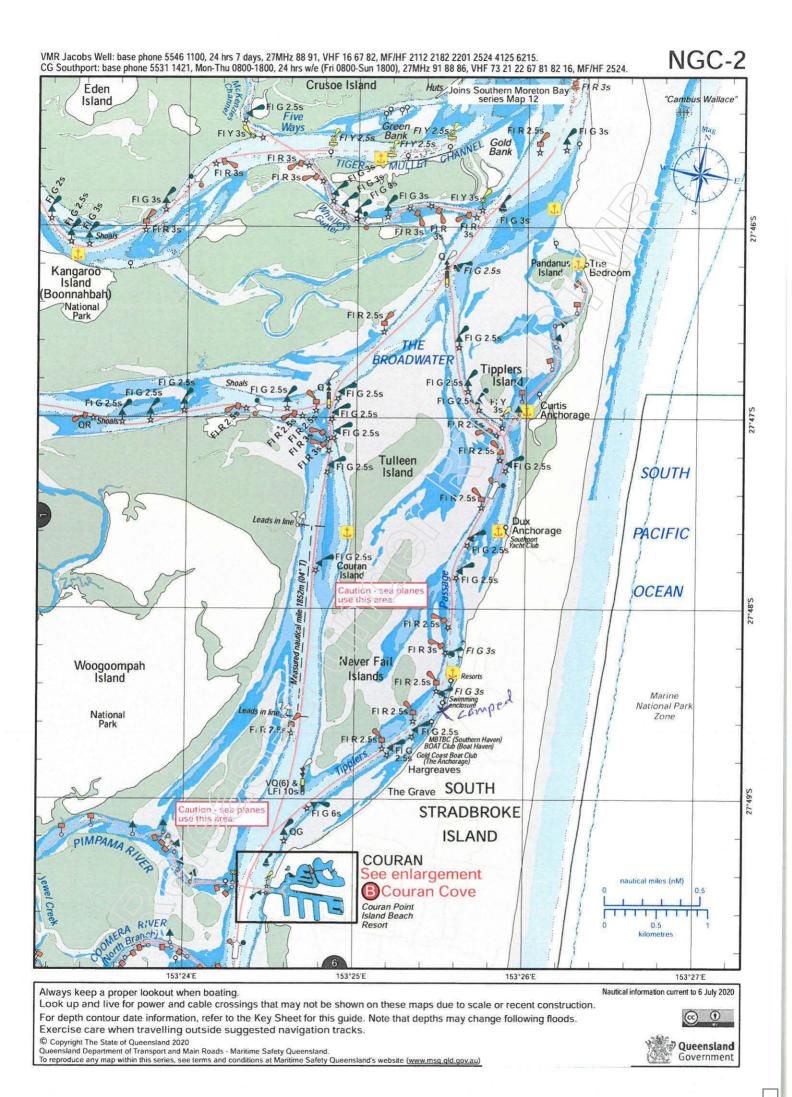
No further action required—copy of file forwarded for review—original file retained in region and closed.

		$\overline{\langle } \rangle$
Repor	ort completed by	
		$\rightarrow$
		/
Name:	Brett Williams	
Position:	n: Manager (Compliance)	
Repor	ort endorsed by	
Name:	Brendan Philp	
Position:		
	n: Principal Manager (CEE)	
	907	
CaseN	907	
CaseN	Man updated by	
CaseN	907	
CaseN	907	
CaseN	907	

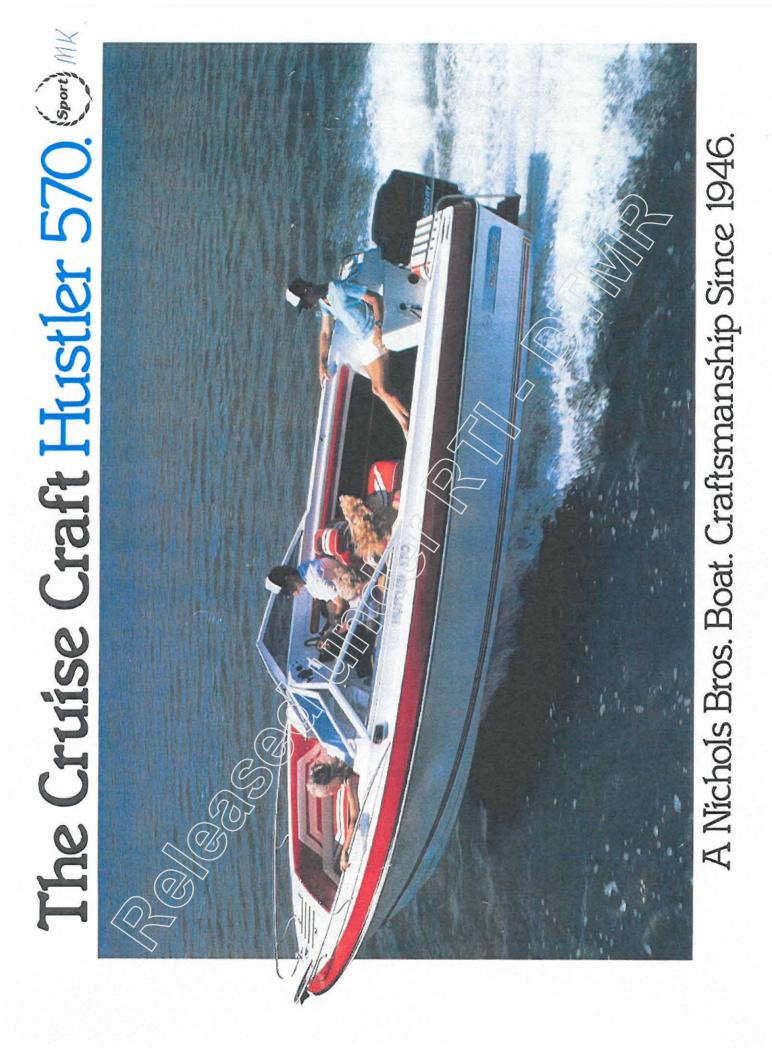
Form F3072 ES v04 Sep 2013

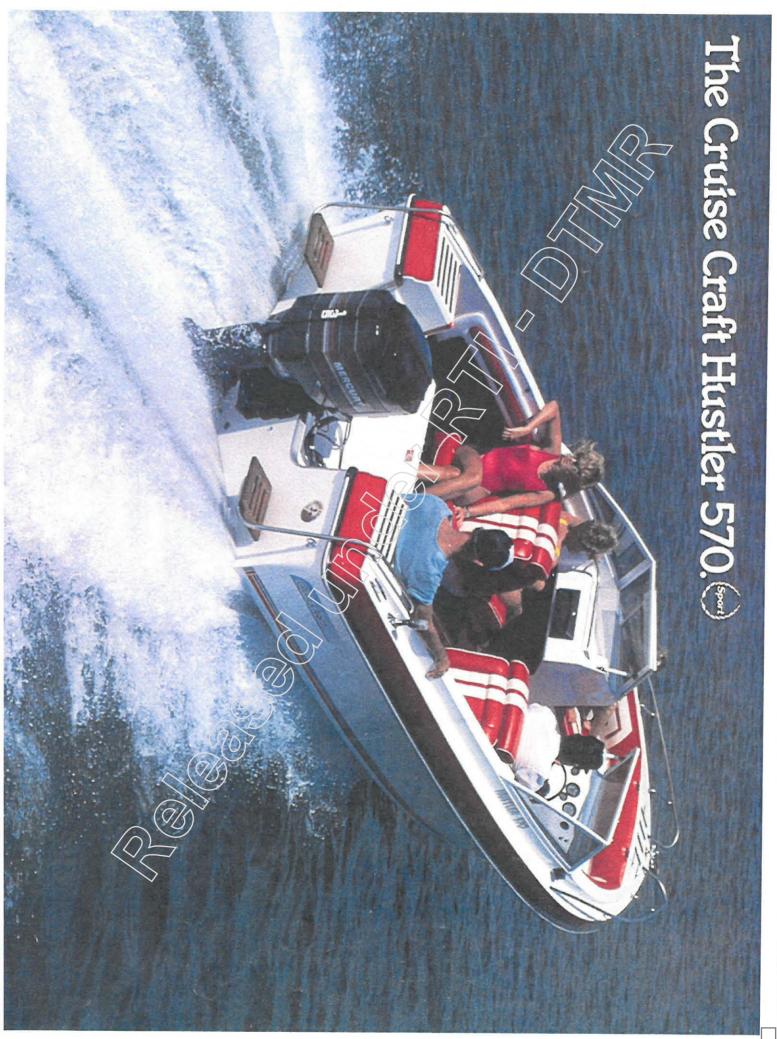


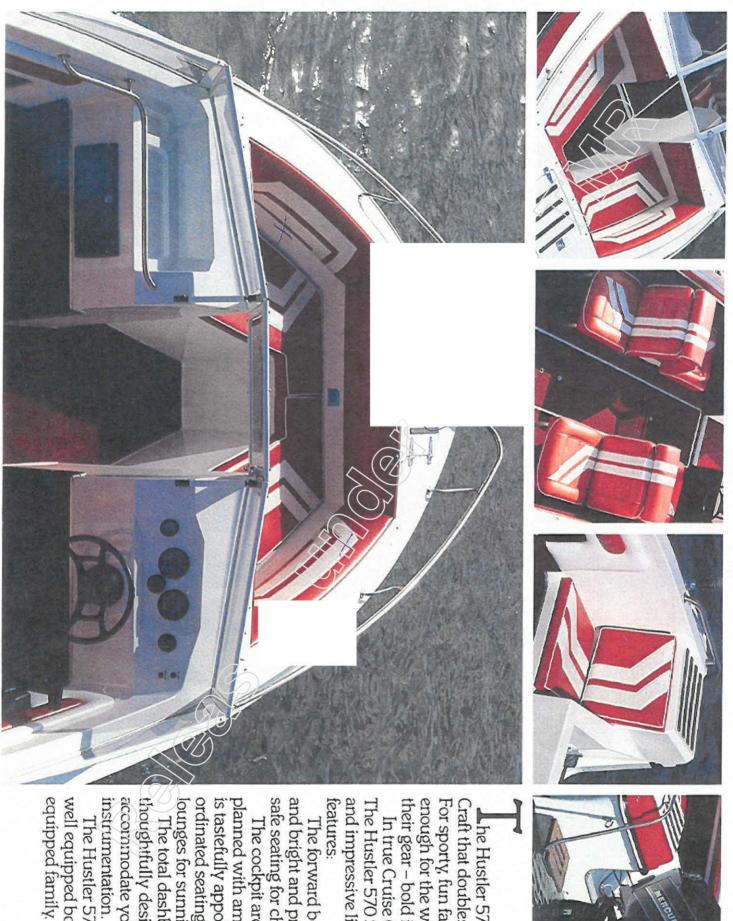
Page Number: 21 of 41



## Page Number: 22 of 41









enough for the whole gang at For sporty, fun families. Big Craft that doubles as a spacec The Hustler 570 Sport has a l heir gear - bold in performa he Hustler 570 Sport, a Ci In true Cruise Craft traditic 25 of 41 Nu mber

features: and impressive list of standar

and bright and provides alter safe seating for children or ad The forward bow rider is t The cockpit area has been Page

accommodate your choice of thoughtfully designed to lounges for sunning or relaxi ordinated seating that can be is tastefully appointed with c planned with ample storage a The total dashboard has be

well equipped boat, for the w instrumentation. The Hustler 570 Sport. The

# Specifications of The Hustler 570.

Notes:	Weight (approx.)	Recommended H.P. Outboard Sterndrive	Cockpit Area	Fuel Tank Capacity (approx.)	Transom Angle	Deadrise Transom	Freeboard Aft	Transom Helen	Transom Belari	Markir (War 14/2/ar)	(angle) ( he for all
	599 kg 1505 kg	90 HZ 10 (735 H/P 140 HP to 350 AP	2/49r/ 2.11mn 8'2"×7'1" 5 23 sq m 58.53 sq ft	V59 litrys (35 gals)	14,59	22°	.59m 1'11"	.53m 1 '9"	2.00m 6'7"	2.41m 7*11*	5.67m 18'7"
FACTORY FITTED OPTIONS Bucket seats in lieu of folding seats. Sective or sterndrive version. Ouclyboard (sterndrive model). Traovducer bex. Cockpit value. 25" Traovan	Fully carpeted cockpit area.	Well-appointed dash for instruments	Large under floor storage area. Batterv nad	Fully upholstered moulded rear	S/S passenger dashrail.	Lockable glove box.	radiaats Arminion matasistic during Alexan		Large upholstered side pockets for	FEATURES	COCKPIT - STANDARD
Non skid battens on fore and aft decks. Colour co-ordinated framed anti- glare windscreen. Navigation lights. Split low profile S/S bow rail. Chine and deck tapes. 2 S/S aft hand rails with boarding Underfloor fuel tank with electric gauge.	forward bowrider.	overboard drain.	Heavy duty bollard on fore deck. Stern cleats. Anchor locker with batch and	Large bow roller with safety pin.	Drain plugs.	Ski hooks.	n.v. mechanical steering.	u Dours.	High quality gelcoat in vibrant	STANDARD FEATURES	DECK AND HUIT -

CRUISE CRAFT BOATS ARE COVERED BY 12 MONTHS WARRANTY.



Your Cruise Craft dealer:

Photograph may show non-standard options or accessories. The manufacturer reserves the right to alter standard specifications and options without notice.

From:	
То:	Brett J Williams
Subject:	RE: Alleged failure to report marine incident - CONFIDENTIAL
Date:	Thursday, 5 November 2020 2:04:08 PM
Attachments:	image004.jpg
	image001.jpg

Thanks Brett. The only known witnesses were on board the vessel and they were children.

Regards,



From: Brett J Williams <Brett.J.Williams@msq.qld.gov.au>
Sent: Thursday, 5 November 2020 11:30
To
Cc
Subject: RE: Alleged failure to report marine incident - CONFIDENTIAL

Good morning

Thank you for your time on the phone yesterday and your email. As indicated I appreciate the need to maintain confidentiality and am happy to proceed on that basis. With respect to the marine incident and alleged failure to report the incident I will likely assign the investigation to myself to remove any perceived conflict of interest and to ensure that confidentiality is maintained. I will endeavour to have the investigation finalised as soon as possible however it may take 2-3 weeks due to other urgent commitments, including COVID maritime crew change liaison duties.

Pending your advice I will progress the investigation and inform you as to the outcome. Are you able to provide the name and contact details of any witnesses?

Kind Regards,

Brett Williams
 Manager (Compliance) | Policy, Planning & Regulation
 Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

Page Number: 27 of 41

Floor 2 | 61 Mary Street | Brisbane Qld 4000 PO Box 2595 | Brisbane Qld 4001 (07) 3066 3939 | M: NR brett.j.williams@msq.qld.gov.au www.msq.qld.gov.au www.tmr.qld.gov.au

## From

Sent: Thursday, 5 November 2020 10:56 AM
To: Brett J Williams <<u>Brett.J.Williams@msq.qld.gov.au</u>>
Cc:
Subject: Alleged failure to report marine incident - CONFIDENTIAL
Importance: High

Brett,

As discussed yesterday, is alleged to have failed to report a marine incident that he was involved in in his personal vessel. This forms part of an internal investigation being conducted by into the actions of As MSQ are usually the lead agency in investigating this type of incident, I wish to refer this alleged failure to report to your agency.

The information received was theas traveling in theBroadwater off South Stradbroke Island at about 12pm on Saturday 5 September 2020, when hehas hit another vessel's wake. This has causedPIPIto fall forward and hit her mouth. As a resultPIhas broken her front adult toothalmost at the base which required her to attend a dentist to have a cap inserted over the tooth.

I have spoken to who admitted that the incident took place, however he stated that it occurred as he slowed down to avoid the wash. stated that he thought the injury was minor so didn't report it, but admitted upon reflection now that he thought it was a marine incident and was aware of his obligations to report this in accordance with the TOMSA. could provide no reasonable excuse for failing to do so if this is in fact deemed to be a marine incident. tated that he took PI to the dentist on Monday 7 September 2020 to have the tooth repaired.

	He holds commercial qualifications as a Master 5
and MED 2. He is also an	The vessel utilised was a 1989 Cruise
Craft 5.7m bowrider (Qld reg.	which is registered to

As discussed, I am trying to ensure that this matter remains confidential so that can without the fear of From an internal perspective, we do have some time frames around complaints so I respectfully request that this matter is dealt with in a timely fashion.

If you have any questions please let me know.

## Regards,



CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorised. If you have received this electronic message in error, please inform the sender or contact

This footnote also confirms that this email message has been checked for the presence of computer viruses.

WARNING: This email (including any attachments) may contain legally privileged, confidential or private information and may be protected by copyright. You may only use it if you are the person(s) it was intended to be sent to and if you use it in an authorised way. No one is allowed to use, review, alter, transmit, disclose, distribute, print or copy this email without appropriate authority.

If this email was not intended for you and was sent to you by mistake, please telephone or email me immediately, destroy any hardcopies of this email and delete it and any copies of it from your computer system. Any right which the sender may have under copyright law, and any legal privilege and confidentiality attached to this email is not waived or destroyed by that mistake.

It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interference by third parties or replication problems (including incompatibility with your computer system).

Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

## Page Number: 29 of 41

\*\*\*\*\*

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorised. If you have received this electronic message in error, please inform the sender or contac

This footnote also confirms that this email message has been checked for the presence of computer viruses.



## Marine Licence History Summary

<u>Customer</u> Reference Address				Ві	rth Date
Product	RECREATION	AL MARINE DRIVER	LICENCE		
<u>Search</u> From Date		To Date		Action	
Invalid	Action	System Date	Action Date		Description
Ν	CONV	19/02/2000	29/12/1993	CONVERSION OF MARINE LICENCE	
			3301	UTACER L	



## **Registration History Summary** by Plate Number

Customer Address Postal SIN Description	040585 5.7M CRU	JISE CRAFT HUSTLER	<b>Engine</b> BOWRIDER FIBREGI	OT591065 LASS (GPR)	Birth Date Plate
<u>Search</u>				A	
From Date	-1	To Date	1	Action	
Invalid	Action	System Date	Action Date		Description
Ν	RENW	22/10/2020	22/10/2020	22/10/2020,TOTL 223.85DR SRUS 2	23.05DR SREG 200.80DR
Ν	PAY	04/12/2019	04/12/2019	TOTL 219.90DR SRUS 22.65DR SR	EG 197.25DR
N	NBUS	04/12/2019	04/12/2019	12M Exp:03/12/2020,TOTL 219.90D	AUS,SBOT,PRIV, R SRUS 22.65DR SREG 197.25DR,StorMeth:RT,StorPlce:PR
Ν	UPDT	04/12/2019	04/12/2019	RECREATIONAL SHIP BEAM 2.4 COLOUR WHI TO BLU, PREV PLA	M TO 2M, HEIGHT 1.9M TO 1.2M, DRAFT .3M TO .5M, PRI ATE TO TA858Q QLD+

Total Number of Records 4

Released units

## **Catherine R Troccaz**

From:Brett J WilliamsSent:Monday, 7 December 2020 1:24 PMTo:Brendan J PhilpSubject:Investigation ReportAttachments:Marine & Pollution Incident Investigation Report.pdf

Hey mate can you please review the attached investigation report for endorsement. Is Cat 5 just can't change, I'll sort out closing and finalising in MSID. Cheers

Kind Regards,

Brett Williams Manager (Compliance) | Policy, Planning & Regulation Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

Floor 2 | 61 Mary Street | Brisbane Qld 4000 PO Box 2595 | Brisbane Qld 4001 (07) 3066 3939 | M: NR brett.j.williams@msq.qld.gov.au www.msq.qld.gov.au www.tmr.qld.gov.au



# Marine & Pollution Incident Investigation Report

Title:	Injury to juvenile passenger
Incident date:	05/09/2020
Category:	Category 4
CaseMan no:	MSC2026
Investigator	Brett Williams
Position	Manager (Compliance)
Division	Compliance
Regional office	Compliance Unit
Address	61 Mary Street, Brisbane Qld 4000
Contact number	(07) 3066-3939
Email	brett.j.williams@msq.qld.gov.au
Report date	04/12/2020

Form F3072 ES v04 Sep 2013

Page 1 of 8

# Summary

Regional office: Compliance Unit	DMS File No:	
Incident date: 05/09/2020 Time of inciden	t: Afternoon	Date reported:
Category: Category 4 Incident typ	e: Onboard inciden	t—Other Onboard Injury
MSQ attended: 🔲 Officers attending:		Contact No:
QPS attended: 🔲 Officers attending:		Contact No:
QAS attended: 🔲 Officers attending:		Contact No:
QBFP attended:  Officers attending:		Contact No:
Aquatic event: (copy of permit attached)		
Evidence		Add evidence Remove evidence
Restitution Nil Example: costs of oil response, damage to beacons, total cost of repo	airs and so on (attach quo	tes / invoices to report)
Location		
Body of water / landmark: Broadwater, Gold Coast	<u>I</u>	
Latitude:27.8610	Longitude: 153.4	000
Latitude & longitude must be recorded in decimal format for entry ir format must be converted to decimal degree format for entry. For ex		
Waters: Smooth waters (incl. tidal rivers & creeks)		
Conditions		
Weather: Clear	Visibility: Good	
Water: Calm	Wind: Modera	te (force 3-4 / 7-15 knts)
Tide: Unknown		
Pollution		
Source Ship 🗌 Land: 🗍 Unknown: 🗍		[ · · · · · · · · · · · · · · · · · · ·
Pollutant Sheen: 🗌 Diesel: 🔲 Bilge: 🗌	HFO: D Other:	
Extent	or	
Size of slick (length and width in met	185)	Litres

Ships involve	d				Add	ship	Remove last ship
Ship 1.							
Ship name :							
Owners name:							$\sim$
Owners address:							
Ship type:	Recreational		Ship	class: Rec	reational		
Ship description:	5.7m Cruise	craft Hustler Bowri	der				
Reg no:			Boat n	nark:			RUF:
Registering authority:	TMR		F	Port of reg	istry:	$\checkmark$	
Registration expiry:	03/12/2021			$\sim$			
Length (in metres):	5.7	Beam (in meti	res): 2		Cons	struction:	Fibreglass
Engine type:	Outboard		No. (	of engines	:1	Total pov	ver (kW): 111.8
Last monitoring date:		Written di	rection	:			
Previous incidents:	Nil						
Master of ship	1.		$\mathcal{O}$	)			
Masters name:				Place o	f birth:		
Masters address:				*		Date of	birth:
Home phone:		Mobile phone:	-		Work	phone:	
Email address:				tatement	/ROI: 🔀	Coerciv	e powers used:
Marine licences: RMD	L, PWCL, Master	<24m NC					
Add deceased	or injure	d persons on	n ship	<b>&gt;</b> 1.	Add inj	person	Remove inj. person
Add crew on s	hip 1.				Add	crew	Remove crew
Add offence d	etails for	oerson on sh	nip 1	•	Add o	ffence	Remove offence
Add witness					Add w	ritness	Remove witness

## Page Number: 36 of 41

# Summary of facts—explain incident & investigations conducted

The Incident Include full particulars of vessels, voyage and	On the afternoon of 5 September 2020, departed their camp site on South Stradbroke Island in his 5.7 metre Cruisecraft Hustler Bowrider.
location of incident.	Whilst adjacent and on the eastern side of Rat Island       and       PI         PI       were seated at the forward padded seats and were reported to have been bouncing up and down on the seat cushions at which time       advised that he stopped the boat and seats and were reported to have been bouncing up and down on the seat cushions at which time
	stated that they had been stationary for some time when <u>Pi</u> who had been facing the rear of the boat turned to face forward hitting her tooth on the foredeck area resulting in damage to her tooth.
1	
The Investigation	On 5 December 2020 MSO Manager (Compliance) Brett Williams was contacted by advising of the incident involving and that the incident had not been reported equested that MSQ investigate the alleged marine incident and failure to report the incident. Later on 5 December Williams received an email from with particulars regarding the alleged incident and contact details for Williams replied to the email confirming MSQ intentions to investigate the incident and alleged failure to report. On 26 November 2020 Williams obtained license history for and registration history for ship ind confirmed that held a current valid recreational marine license and the
	ship and confirmed that held a current valid recreational marine license and the ship current registration at the time of the incident. At about 1142 on 26 November 2020 Williams contacted and arranged to meet at co conduct a record of interview in relation to the incident and alleged failure to report.
	At about 0948 hours on 2 December 2020 Williams attended the and conducted an electronic record of interview with During the interview stated that he was not making way at the time of the incident and had been drifting for some time.
	He further stated that he had stopped to speak with the children who were bouncing up and down on the forward seats and soon after PI had turned to face the front of the boat and hit her mouth on the foredeck resulting in the damage to the tooth stated the boat was drifting and not making way at the time of the incident and that wash, sea state and operation did not contribute to the injury incident. No adult witnesses to the incident were able to be identified.

	ours on 2 i	December 2020 Williams contacted	PI of the ir
child,	PI	to obtain a recorded version of events.	PI
		PI	
Analvsis o	f the avail	able evidence determined that there is insuf	icient evidence to establi
		able evidence determined that there is insuf	
that a mar	rine incide	ent occurred as defined by s123 TOMSA and f	urther insufficient eviden
that a mar	rine incide		urther insufficient eviden

## Page Number: 38 of 41

# **Contributing factors**

Contributing factors are not the cause of the marine incident but rather factors that may have contributed to the incident taking place or it's severity. All factors that potentially contributed to the incident should be recorded here.

## Human contributing factors

Alcohol or drugs		Insecure mooring		
Commercial pressur	re	Insufficient crew numbers		
Excessive speed		Insufficient fuel		
Failure to wear engi	ne kill switch lanyard	Insufficient maintenance		
Failure to wear PFD		🗌 Insufficient planning		
🔲 Fatigue		Navigation error—failure to keep proper lookout		
Inadequate training	of crew	Navigation error—other		
Inappropriate advic	e to ship—Harbour Control/Port Authority	Navigation error—violation of Colregs		
Inappropriate advic	e to ship—Pilot	Operational error—ether		
🔲 Inappropriate advic	e to ship—Vessel Traffic System	Overloading		
🔲 Inappropriate instru	actions to crew—other	Poor communications		
🔲 Inappropriate instru	ictions to crew—poor communications	Poor ship to shore communications		
⊠ Inattention		Violation of standard procedures		
Inexperience or lack	of knowledge	Violation of statutory rules or standards		
Other (human):	Other on board incident resulting in injury t	to juvenile passenger		
Material contributin	g factors			
Bridge or navigation	n failure	Inadequate stability—shifting cargo		
Electrical failure		Inappropriate hull or equipment—construction fault		
Equipment failure -	other	Inappropriate hull or equipment—design fault		
Fuel or gas leak		🔲 Inappropriate hull or equipment—insufficient maintenance		
🔲 Hull failure		Insufficient safety equipment		
Inadequate stability	—other	Machinery failure		
🔲 Inadequate stability	—overloading	Shore structure badly designed built or maintained		
Other (material):				
Environmental cont	ributing factors			
Abnormal tidal conc	litions	Hazardous watersuncharted hazards		
Bar conditions	7B)~	🗌 Heavy traffic area		
Eloating or submerg	ed object	Poor visibility		
🔲 Hazardous season (d	yclones etc)	Sea state		
Hazardous waters—	coral reefs	Wash of passing vessel		
Hazardous waters-	lack navigation aids	Wind		
Hazardous waters—	shifting channel			
Other (environmental):				
*	*****			

Form F3072 ES v04 Sep 2013

# Findings

Add findings

+

1. Insufficient evidence that a marine incident occurred 2. No. 125 TOMSA offence for failing to report given that a marine incident can not be evidenced

# Conclusions

No evidence that a marine incident occurred. No evidence of any breaches of TOMSA. No further action required.

# **Completed** actions

Acknowledg (Not applicable t	Jement letter sent o TOMPA incidents)		Attached	
CaseMan file (Not applicable t	e closed or reassigned o TOMPA incidents)	$\boxtimes$	Attached	$\boxtimes$
Marine incid	ent categorised	$\boxtimes$	Attached	
Ship inspect	ion report (monitoring inspection completed)		Attached	
Written dire	ction issued		Attached	
Photograph	ic evidence taken		Attached	
Exhibits seiz	ed		Attached	
Witness stat	ements	$\boxtimes$	Attached	$\boxtimes$
MIN issued			Copy attached	
Evidence	EROI		Attached	
Other	Beacon to beacon charts, recorded version PI		Attached	$\boxtimes$
POLREP forn	n sent		Copy attached	
CaseMan inc	ident, ship and person records updated and validated	$\boxtimes$	Brett Williams	
			By whom (enter name	2)

Page Number: 40 of 41

# For consideration by Compliance Section

No further action required—copy of file forwarded for review—original file retained in region and closed.

		$\overline{\langle } \rangle$
Repor	ort completed by	
		$\rightarrow$
		/
Name:	Brett Williams	
Position:	n: Manager (Compliance)	
Repor	ort endorsed by	
Name:	Brendan Philp	
Position:		
	n: Principal Manager (CEE)	
	907	
CaseN	907	
CaseN	Man updated by	
CaseN	907	
CaseN	907	
CaseN	907	

Form F3072 ES v04 Sep 2013