

## Maritime Safety Queensland

### Investigation Running Log

<b>Marine Incident Number</b>	
<b>Lead Investigator</b>	

Date	Time	Officer	Details	Actions
23/08/21	10:00	DC	Informed by Brett Williams - Compliance that there had been a marine incident over the weekend. Collision between two ships, DCV and QRS resulting in serious injury.	
23/08/21	10:34	DC	Telephoned [removed] from AMSA and enquired about incident. He stated that it appears that a fishing vessel has collided into a stationary recreational vessel that was anchored. That the recreational vessel had 2 POB and that one of them was seriously injured [removed]. [ ] Police had responded to incident and later obtained VOE from person on board recreational vessel. [removed] (AMSA) would be leading the investigation with support from Water Police.	
23/08/21		DC	[removed] attended MSQ office and picked up DCV vessel files from Gary Crozier in relation to incident. [removed] and Ruffel advised that they will report to MSQ once AMSA and police investigation has been finalised. MSQ offered AMSA assistance if they required.	
10/09/21	10:00	DC	[removed] SCWP attended MSQ office. Submitted Qld Police marine incident report for <i>Marine Incident – 21/08/21 – DCV v's Recreational vessel offshore Pt Cartwright</i> and other documents including MSQ Marine Incident Report completed by [removed] and AMSA Marine Incident Report completed by [removed] [removed].	



Released under RTI - DTMR



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## Transport and Main Roads

Transport integrated customer access

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TCA0001111: DISPLAY SUCCESSFUL

### Individual Customer Hub

Customer ▾   N/R

Address   N/R

Postal   N/R

Ind   Birth Date   N/R

Org   ACTIVE

ONLY  
10/12/2021  
DBC RUST   P1

Y   D

Customer Details		Contact Details																
Height (Cm)	N/R	Phone	N/R															
Gender		Qualifications																
Eye Colour		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Type</th> <th>Reference</th> <th>Effective</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		Type	Reference	Effective												
Type		Reference	Effective															
Hair Colour																		
Complexion																		
Birth Town/City																		
Birth State																		
Birth Country																		
Deceased Date																		
Notified Date																		

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[Driver licence hub](#)

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[Update individual details](#)   [eContact details](#)

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TCA000111I: DISPLAY SUCCESS

**Individual Customer Hub**

Customer removed  
 Address removed  
 Postal removed

Ind    Birth Date removed  
 Org

ACTIV

Display

ONLI  
 13/09/2021  
 KABEGGS    P1

Y    D

**Customer Details**

Height (Cm) removed  
 Gender  
 Eye Colour  
 Hair Colour  
 Complexion  
 Birth Town/City  
 Birth State  
 Birth Country **AUSTRALIA**  
 Deceased Date   
 Notified Date

**Contact Details**

Phone N/R

**Qualifications**

Type	Reference	Effective

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TCA0001111: DISPLAY SUCCESSFUL

**Individual Customer Hub**

Customer ▾   Address   N/R   Birth Date   N/R

Postal    Ind    Org   **ACTIVE**

ONLI  
10/12/2021  
DBCRUST   P1

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**Customer Details**

Height (Cm)   N/R

Gender

Eye Colour

Hair Colour

Complexion

Birth Town/City

Birth State

Birth Country

Deceased Date  

Notified Date  

**Contact Details**

Phone   N/R

**Qualifications**

Type	Reference	Effective

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TCA000111I: DISPLAY SUCCESS

**Individual Customer Hub**

Customer removed  
 Address removed  
 Postal removed

Ind    Birth Date removed  
 Org    ACTIV  
Display

ONLI  
 13/09/2021  
 KABEGGS    P1

Clear  
Exit

**Customer Details**

Height (Cm) removed  
 Gender  
 Eye Colour  
 Hair Colour  
 Complexion  
 Birth Town/City  
 Birth State  
 Birth Country AUSTRALIA  
 Deceased Date   
 Notified Date

**Contact Details**

Phone N/R

**Qualifications**

Type	Reference	Effective

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TCA0001111: DISPLAY SUCCESSFUL

**Individual Customer Hub**

Customer ▾   Address   N/R   Postal   N/R

Ind    Org   Birth Date   N/R

ACTIVE

ONLI  
10/12/2021  
DBCRUST   P1

Y   D

**Customer Details**

Height (Cm)   N/R

Gender

Eye Colour

Hair Colour

Complexion   N/R

Birth Town/Cit

Birth State

Birth Country

Deceased Date

Notified Date

**Contact Details**

Phone   N/R

**Qualifications**

Type	Reference	Effective

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Transport and Main Roads

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Display **Recreational Ship** ▼ Marine Engine ▼ Links ▼ About

TCA0001111: DISPLAY SUCCESS

**Recreational Ship Hub**

ONLY  
13/09/2021  
KABEGGS P1

[Vehicle registration hub](#)

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SIN 983007 Plate removed

Make and Model 1990 4.7M SPORT FISH 4.7M SPORTS BOAT/SKI BOAT ALUMINIUM ACTIVE

Name

Primary Colour WHITE

Secondary Colour BLUE

Compliance Type COMPL PLATE EXEMPT

Compliance Year

Previous Plate removed

Previous State QLD

Planing hull

Capable of speed greater than 10 knots

Normally carries sails

Dimensions

Length (m) 4.70

Beam (m) 2.00

Draught (m) .60

Height (m) 2.00

Marine Engines

	Engine Number	Make	Model	Engine Type
Primary	L1015677N	YAMAHA	90HP/67.1KW	MARINE OUTBOARD

[Edit existing recreational ship](#)

## Andrea Hanyicskane-Derhan

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**From:** Glenn N Hale  
**Sent:** Thursday, 16 December 2021 8:46 AM  
**To:** removed  
**Subject:** RE: Aussie One - 21 August 2021.

Good morning removed

Your best two sources of data are BOM for the historic weather observations and DES for the wave data. Links attached.

[Climate Data Services, Bureau of Meteorology \(bom.gov.au\)](#)

[Wave data - 2021 - Coastal Data System - Waves \(Mooloolaba\) | Open Data Portal | Queensland Government](#)

Regards

Glenn Hale  
Regional Harbour Master (Brisbane) | Maritime Safety Queensland  
Department of Transport and Main Roads

Floor 1 | Pinkenba Marine Operations Base | MacArthur Avenue East | Pinkenba Qld 4008  
P: [\(07\) 36327500](tel:0736327500)  
E: [glenn.n.hale@msq.qld.gov.au](mailto:glenn.n.hale@msq.qld.gov.au)  
W: [www.msq.qld.gov.au](http://www.msq.qld.gov.au)

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**From:** removed  
**Sent:** Thursday, 16 December 2021 5:20 AM  
**To:** Glenn N Hale <[Glenn.N.Hale@msq.qld.gov.au](mailto:Glenn.N.Hale@msq.qld.gov.au)>  
**Subject:** Re: Aussie One - 21 August 2021.

Good morning Glenn.

Bit of a long shot but I'm wondering if you have any details about a Cargo Boat Lena.

It came to Anchor a few miles west of our position on 21 August.

The reason for my enquiry is that I'm wondering if vessels such as this one record weather conditions on certain dates or any other data.

Kind Regards

removed

On 7 Dec 2021, at 13:51, Glenn N Hale <[Glenn.N.Hale@msq.qld.gov.au](mailto:Glenn.N.Hale@msq.qld.gov.au)> wrote:

Good afternoon removed

Thank you for your email.

VTS do not routinely monitor and record VHF channel 73 unless there is a known operational requirement. There are no recordings available of VHF 73 for this date.

Sorry that I cannot be of further assistance

Regards

Glenn Hale  
Regional Harbour Master (Brisbane) | Maritime Safety Queensland  
Department of Transport and Main Roads

Floor 1 | Pinkenba Marine Operations Base | MacArthur Avenue East | Pinkenba Qld 4008  
P: [\(07\) 36327500](tel:(07)36327500)  
E: [glenn.n.hale@msq.qld.gov.au](mailto:glenn.n.hale@msq.qld.gov.au)  
W: [www.msq.qld.gov.au](http://www.msq.qld.gov.au)

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**From:** removed  
**Sent:** Tuesday, 7 December 2021 1:14 PM  
**To:** RHMBris <[RHMBrisbane@tmr.qld.gov.au](mailto:RHMBrisbane@tmr.qld.gov.au)>  
**Subject:** Aussie One - 21 August 2021.

Good afternoon.

My name is removed I was the owner of the recreational vessel struck by commercial fishing vessel AMSA registration number 42195Q and named "Aussie One" whilst fishing off Mooloolaba on 21 August 2021 at approximately 15:35hrs.

I have made contact with a removed of Mooloolaba Coast Guard in relation to obtaining an audio copy of the call for assistance from Aussie One Skipper removed I was told that the radio transmissions are recorded however the Mooloolaba Coast Guards HDD is full and has subsequently been overwritten.

removed suggested that I contact the regional harbour master who controls VTS.

Information from the Mooloolaba Water Police is that the call was made on Marine VHF radio channel 73 in relation to a serious marine incident. The location provided was 26°40.680(S) and 153°14.201(E) to assist.

Could you please advise if a copy of this radio transmission is still in existence?

If so how I could please obtain a copy of it.

If I am able then a digital copy via email would be fine.

Kind Regards

removed

N/R

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# INFRINGEMENT NOTICE

Marine Safety (Domestic Commercial Vessel) National Law Act 2012  
Schedule 1 ("National Law") section 138 and Marine Order 501 Division 6

Infringement  
Notice No:

INF01113

Date of issue:

06/10/2021

## Particulars as to the reason for the decision to issue the infringement penalty notice

I have reasonable grounds for believing that you have committed an offence provided for by subsection 18(4) of the National Law.

On Saturday 21 August 2021 you were identified as the master of domestic commercial vessel (DCV) *Aussie One* - Unique Vessel Identifier 446506. At approximately 15:35 hrs on that day the DCV was involved in a marine incident whereby, as a result of your actions in relation to your command and charge over the vessels controls, the vessel collided with a recreational vessel.

Whilst proceeding at a speed of approximately 15 knots in a westerley direction towards Point Cartright to return to Mooloolaba Harbour you collided midships with a 4.7 metre aluminium recreational vessel that was in a stationary position with 2 persons fishing approximately 5 nautical miles east of Point Cartright. As a result of the collision which occurred at speed and with force, the recreational vessel capsized and sustaining damage causing it to sink. The 2 occupants of the vessel suffered severe injuries removed

removed

During an electronically recorded interview with AMSA Marine Safety inspectors you stated that you were returning from a working day of commercial spanner crabbing and that you were seated in the master's chair behind the wheel of *Aussie One* driving the vessel as the Master. You further stated that you were travelling at approximately 15 knots and that you did not see the recreational vessel until you felt the impact of the collision. You stated that excessive sunlight may have hindered your vision however you were unable to provide a reasonable explanation as to why you didn't see the recreational vessel at any time prior to impact.

Subsection 17(2) of the National Law provides that the master of a domestic commercial vessel must not unreasonably place the safety of another person at risk when carrying out duties as master of the vessel. Subsection 18(4) of the National Law provides that a person in breach of general safety duties commits an offence of strict liability if an act or omission of the person contravenes subsection 17(2).

The offence provided for in subsection 18(4) of the National Law is a strict liability offence. This means there are no "fault elements" such as negligence, recklessness, or intent that are required to be considered by the National Regulator in deciding whether there are reasonable grounds for believing that the offence has been committed, or required to be proven to establish the offence in court proceedings.

Issuing officer Marine Safety Inspector: MSI 132007/BROWN

**Please note:** The validity of the notice is not dependent on the completeness or accuracy of the above mentioned particulars. They are provided as background only.

Our ref 230/01190  
Your ref MSQ24986-2021  
Enquiries Dean Crust



Department of  
**Transport and Main Roads**

13 September 2021

removed

Dear removed

I acknowledge receipt of your marine incident report regarding a marine incident involving your vessel with registration number removed which occurred on Saturday, 21 August 2021.

Maritime Safety Queensland's official marine incident report number is **MSQ24986-2021**.

You may be asked to quote this number when making enquiries regarding this marine incident. Your insurer may also require you to provide this number if making an incident-related insurance claim.

A marine officer may contact you if any further information or action is required.

Yours sincerely

removed  
Business Support Officer  
Maritime Operational Support (Sunshine Coast)  
**Maritime Safety Queensland**  
Department of Transport and Main Roads

Maritime Safety Queensland  
Marine Operations - Sunshine Coast  
PO Box 1094  
Mooloolaba Queensland 4557

Telephone 07 5373 2310  
Website [www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
Email [sunshinecoast.maritime@msq.qld.gov.au](mailto:sunshinecoast.maritime@msq.qld.gov.au)  
ABN 39 407 690 291



# INCIDENT REPORT

NOTE: This form must be forwarded to the nearest port of call by the Owner, Operator or Master within 72 hours of the incident.  
Detailed guidance on reporting obligations and the use of the form is located at [www.amsa.gov.au](http://www.amsa.gov.au)  
For pollution reporting use the FORM 1000

## PART A: VESSEL INFORMATION

Vessel name: Aussie One Reg: NS REGION

IMO number (if applicable): [redacted] Unique identifier (if applicable): 20132

Master: [redacted]

Operator: OPW KAY HOLDINGS PTL

Responsible person: [redacted]

Contact details: N/R

Domestic commercial vessel (please tick if applicable)

Class:  1  2  3  4

Operational Area:  A  S Ext  B  C  C Rest  D  E

## PART C: WHAT HAPPENED?

Describe Who, What, When, Where, How the incident occurred

WHILE RETURNING FROM  
COMMERCIAL SPANNER CRAB  
ON THE 21.8.21 THE SKIPPER  
[redacted] WAS HAD A  
COLLISION WITH A 4.7m  
RUNABOUT 5.4 miles offshore  
FROM MAOLODABA

## PART B: INCIDENT DETAILS

Date: 21/8/21 Time Local: 3:30pm UTC

Voyage From: 12m EAST MAOLODABA

Location description: 26.40.680 SPANNER CRAB GRABBERS

Lat: 26.40.680 Long: 153.14.201

Weather: NE 10/15 knts

Visibility:  Good  Moderate  Poor  Unknown

Number of Persons on board: Crew: 2 Passengers: \_\_\_\_\_ Other: \_\_\_\_\_

## Vessel activity at the time of the incident

- Underway  Berthed  Towing
- Berthing/Unberthing  Anchored  Fishing/Unloading
- Loading/Unloading  Being towed  Other (specify): \_\_\_\_\_

Pilot on board?  Yes  No

Cargo on board?  Yes  No

Cargo type: \_\_\_\_\_

## Consequences (please tick as relevant)

- Injury  Leakage/Spillage of dangerous goods
- Illness  MARPOL issues
- Death  Fire/Smoke
- Medical evacuation  Grounding
- Person overboard (w/ lifejacket)  Disabled
- Person overboard (w/o lifejacket)  Foundering/Sinking
- Presumed lost  Flooding
- Equipment/Machinery failure  Near miss/Dangerous occurrence
- Damage  Other (specify): \_\_\_\_\_

## PART D: WHAT WERE THE CAUSES?

Please state why you think the incident happened?

WHILE DRIVING THE AUSSIE ONE FROM THE FORWARD HELM DIRECTLY INTO THE WESTERN SUNLIGHT VISABILITY WAS VERY DIFFICULT. WITH A 1-2m SWELL AND A 10-15 NE CHOP THE RUNABOUT WAS NOT SHOWING ON THE RADAR AMONST THE WAVE CLUTTER WITH A COMBINATION OF THESE CIRCUMSTANCES I COULD NOT SEE THE SMALL BOAT

**PART E: WHAT ARE THE ACTION(S) TAKEN AS A RESULT OF THIS INCIDENT?**  
Please state what has been done to prevent this incident from reoccurring

WE PULLED THE TWO FISHERMAN FROM THE WATER THEN CALLED THE COAST GUARD FOR HELP AND APPLIED FIRST AID. THE WATER POLICE CAME OUT AND TOOK THE INJURED MEN BACK TO MOOLOOABA. THE AUSSIE ONE WAS TOWED IN BY THE COAST GUARD.  
TO AVOID THIS INCIDENT AGAIN I WOULD NEVER DRIVE INTO THE WESTERN SUNLIGHT AGAIN

**PART F: ADDITIONAL COMMENTS AND/OR DRAWINGS**  
Include any documentation or photos on the incident

RADAR DEFLECTORS COULD HELP SITEING SMALL VESSELS EASIER

**PART G: DETAILS OF PERSON COMPLETING THE REPORT**

Name	removed	Rank/Role	SKIPPER
Contact details		Signature	N/R
Phone	N/R	Email	N/R

22, 08, 21

For information about how we collect, use and disclose your personal information, please visit the AMSA privacy policy at [www.amsa.gov.au/privacy](http://www.amsa.gov.au/privacy)

That on 21 August 2021 at approximately 15:35, a marine incident occurred in open waters in the vicinity of the Inner Gneerings Shoal 5nm east of Point Cartwright. The marine incident involved a collision between two ships, DCV *Aussie One* – UVI 446506 and QRS removed and resulted the capsizing of the QRS and the serious injury of the two persons on board who were then required to be admitted to hospital.

This matter was reported to Maritime Safety Queensland by the Australian Maritime Safety Authority (AMSA) on the 23 August 2021. AMSA advised that they would be investigating the marine incident with support from the Queensland Police Service.

Released under RTI - DTMP



This is the approved form to report a marine incident in Queensland. A ship's master must report a marine incident to a shipping inspector within 48 hours of the incident taking place, except in cases where the ship is lost or presumed lost in which case the incident must be reported by the ship's owner. If the initial report is not in the approved form a further report must be submitted using this form, at the earliest opportunity. You should fill in all fields that are applicable. This form, and all supporting documents, should be returned to a Maritime Safety Queensland office, the Queensland Police Service or a Queensland Boating and Fisheries Patrol Office. Penalties apply for failing to report a marine incident.

**Incident description**

**Position of incident**

Date: 21/8/21 Time: 3:35 am Body of water/Landmark: Inner Esplanade

Location:  Inland waters (non-tidal)  Smooth waters  Partially smooth waters  Offshore

**Type of incident**

- Capsizing
  - Swamping
  - Flooding
  - Person overboard
  - Loss of stability
  - Fire
  - Explosion
  - Structural/equipment failure
  - Loss of ship<sup>1</sup>
- Collision:
- between ships
  - with a fixed object
  - with a floating object
  - with an animal
  - with an overhead obstruction
  - with a submerged object
  - with a wharf
- Grounding:
- unintentional
  - intentional
- Onboard incident:
- fall within ship
  - crushing or pinching
  - other onboard incident
- Other incident:
- person hit by propeller or ship
  - water skiing incident
  - parasailing incident
  - diving incident
  - close call/near miss
  - other incident caused by the operation of the ship

<sup>1</sup> Loss of ship should only be selected where the ship has disappeared and the location and circumstances of the loss are unknown. If the ship is an economic write-off this should be check marked as 'Ship lost' below and on the next page.

**Incident Severity Rating**

Fatality Number of persons:   
 Serious injury<sup>2</sup> Number of persons: 2  
 Ship lost<sup>3</sup>  Damage to property only<sup>4</sup>  
 Ship damaged  No damage

<sup>2</sup> Requiring admission to hospital <sup>3</sup> Economic write-off or not recovered <sup>4</sup> No damage to any ships

**Environmental conditions**

Weather:  Clear  Hazy  Cloudy  Rain  Flood  
Visibility:  Good  Fair  Poor

Water conditions:  Calm  Choppy  Rough  Very rough  Strong current or tidal flow Swell height (metres):

Wind speed:  None  Light (1-6kts)  Moderate (7-15kts)  Strong (16-33kts)  Gale (>33kts) Wind coming from:

**Ships Involved**

Number of ships involved: 2 Note: if more than two ships were involved attach details on a separate page.

Own ship	Other ship
Name of ship: <input type="text"/>	Name of ship: Aussie One
Official registration number: removed	Official registration number: 62195Q
Registering authority: QLD Transport	Registering authority: AMSA
Length (metres): 4.7m	Length (metres): 9.9
Beam (metres): <input type="text"/>	Beam (metres): <input type="text"/>
Year built: 1990	Year built: 1987
Number of passengers on board: <input type="text"/>	Number of passengers on board: <input type="text"/>
Number of crew on board: <input type="text"/>	Number of crew on board: <input type="text"/>
Registration type: <input type="checkbox"/> Commercial passenger <input type="checkbox"/> Commercial non-passenger <input type="checkbox"/> Queensland Regulated ship	Registration type: <input type="checkbox"/> Commercial passenger <input checked="" type="checkbox"/> Commercial fishing <input type="checkbox"/> Commercial non-passenger <input type="checkbox"/> Commercial hire and drive <input type="checkbox"/> Queensland Regulated ship

Additional information for commercial vessels: Commercial vessels must attach master's and engineer's logs and commercial passenger vessels must also attach a copy of the passenger manifest.

Office use only: File number: MSQ24986-2021 Caseman number: 230/01190 Received by: Received on: / /

**Ships Involved - continued**

**Own ship**  
**Ship description**  
 Motorboat      PWC      Rowing boat  
 Sailing boat      House boat  
 Other (describe) \_\_\_\_\_

**Engine**  
 Outboard      Inboard (petrol)      none  
 Inboard/outboard      Inboard (diesel)  
 Other (describe) \_\_\_\_\_

Number of engines: \_\_\_\_\_ Total engine power: \_\_\_\_\_ HP  
1000

**Hull material**  
 Steel      Timber      Ferro-cement  
 Marine alloy      Fibreglass/GRP  
 Other (describe) \_\_\_\_\_

**Damage to ship**  
 Ship lost      Moderate damage (damaged but ship remains seaworthy)  
 Major damage (ship unseaworthy)      Minor damage      No damage

**Other ship**  
**Ship description**  
 Motorboat      PWC      Rowing boat  
 Sailing boat      House boat  
 Other (describe) \_\_\_\_\_

**Engine**  
 Outboard      Inboard (petrol)      none  
 Inboard/outboard      Inboard (diesel)  
 Other (describe) \_\_\_\_\_

Number of engines: \_\_\_\_\_ Total engine power: \_\_\_\_\_ HP  
1000

**Hull material**  
 Steel      Timber      Ferro-cement  
 Marine alloy      Fibreglass/GRP  
 Other (describe) \_\_\_\_\_

**Damage to ship**  
 Ship lost      Moderate damage (damaged but ship remains seaworthy)  
 Major damage (ship unseaworthy)      Minor damage      No damage

**People involved**

**Own ship**  
**Ship owner's details**  
 Owner's name: removed  
 Dedicated person ashore/operations manager (commercial only): \_\_\_\_\_  
 Telephone (business hours): N/R     Telephone (after hours): \_\_\_\_\_  
 Address: removed  
 Email address: removed  
**Master's details**  
 Master's name: removed  
 Gender: removed     Date of birth: removed  
 Licence type and grade (for example, Master 5): R.M.O.L.  
 Licence number: \_\_\_\_\_     Issuing authority: QLD TRANSPORT  
 Issue date: / /     Expiry date (if applicable): / /  
 Telephone (business hours): N/R     Telephone (after hours): \_\_\_\_\_  
 Address: removed  
 Email address: removed

**Other ship**  
**Ship owner's details**  
 Owner's name: \_\_\_\_\_  
 Dedicated person ashore/operations manager (commercial only): \_\_\_\_\_  
 Telephone (business hours): \_\_\_\_\_     Telephone (after hours): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Email address: \_\_\_\_\_  
**Master's details**  
 Master's name: \_\_\_\_\_  
 Gender:  Male      Female     Date of birth: / /  
 Licence type and grade (for example, Master 5): \_\_\_\_\_  
 Licence number: \_\_\_\_\_     Issuing authority: \_\_\_\_\_  
 Issue date: / /     Expiry date (if applicable): / /  
 Telephone (business hours): \_\_\_\_\_     Telephone (after hours): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Email address: \_\_\_\_\_

continued over page... Page 2 of 4 TRB Forms Area Form F3011 CPD 101 Aug 2016

**Persons Involved - continued**

Own ship

Watchkeeper/person at the helm

Role

Crewmember  Passenger  Master (details as above)

Name removed

Gender

removed

Date of birth

removed

Licence type and grade (for example, Master 5)

Licence number

Issuing authority

Issue date

Expiry date (if applicable)

Telephone (business hours)

Telephone (after hours)

N/R

Address

removed

Email address

removed

Other ship

Watchkeeper/person at the helm

Role

Crewmember  Passenger  Master (details as above)

Name

Gender

Male  Female

Date of birth

Licence type and grade (for example, Master 5)

Licence number

Issuing authority

Issue date

Expiry date (if applicable)

Telephone (business hours)

Telephone (after hours)

Address

Email address

Note: attach name and complete contact details of any witnesses to the incident on a separate page.

**Deceased or injured person**

Note: if more than two people deceased or injured attach details on a separate page.

Name

removed

Gender

removed

Date of birth

Address

removed

Telephone

removed

Which ship was this person associated with?

Boat

Injury status

Fatality  Missing person  Serious injury <sup>5</sup>  Minor injury

<sup>5</sup> A serious injury is defined as one where the injured person was admitted to hospital.

Nature of injury

removed

Name of hospital

SCUH

Activity of injured or deceased person

Person in charge (Master)  Surfboard/surf-ski rider  
 Person at helm  Swimmer  
 Crew  Para-flier  
 Passenger on vessel  Diver  
 Water-skier  Other

**Deceased or injured person**

Name

removed

Gender

Male  Female

Date of birth

Address

removed

Telephone

N/R

removed

Which ship was this person associated with?

Boat

Injury status

Fatality  Missing person  Serious injury <sup>5</sup>  Minor injury

Nature of injury

removed

Name of hospital

SCUH

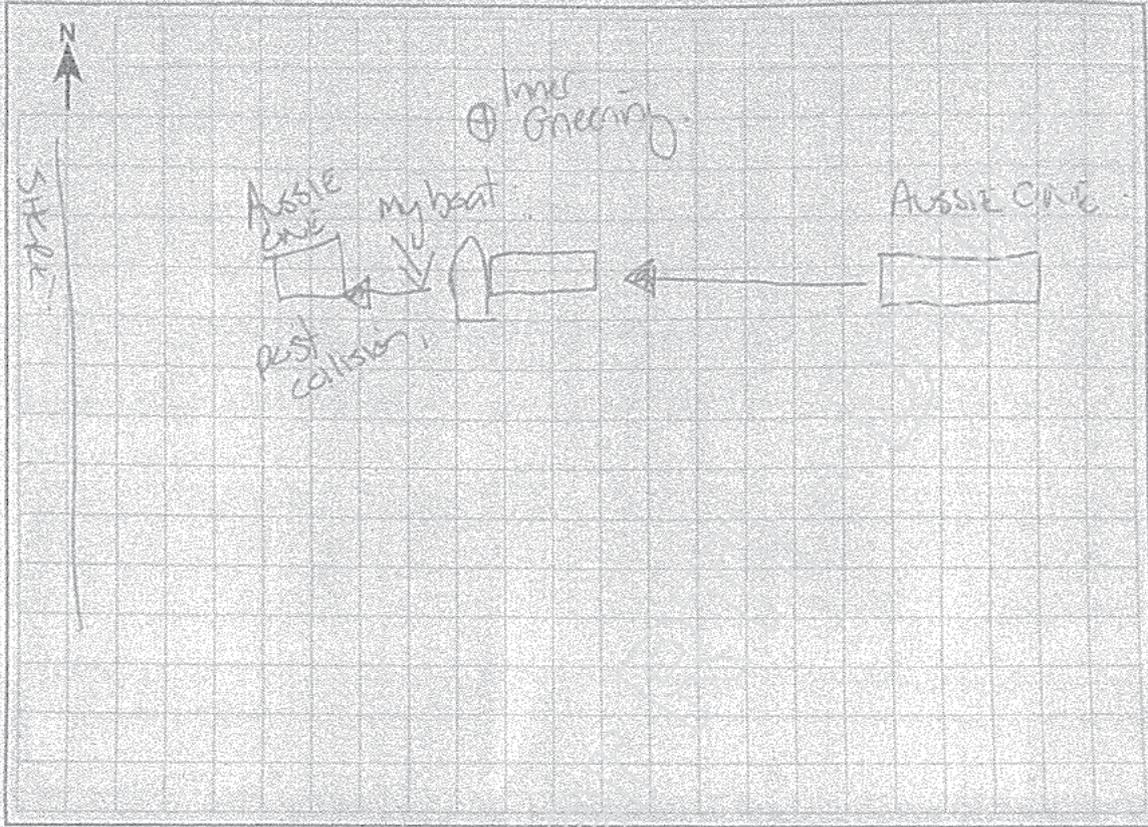
Activity of injured or deceased person

Person in charge (Master)  Surfboard/surf-ski rider  
 Person at helm  Swimmer  
 Crew  Para-flier  
 Passenger on vessel  Diver  
 Water-skier  Other

Privacy Statement: The Department of Transport and Main Roads collects information on this form to administer the register of ships under the Transport Operations (Marine Safety) Act. This information may be released by the department to people who have an interest that justifies access to the register, including people proposing to buy, sell, lease or insure the ship and, when relevant, litigants in matters about marine incidents, or the insolvency or external administration, or fraudulent activity of the registered owner, or Family Court matters. Your personal information will not be disclosed to other third parties without your consent unless authorised or required by law.

**Report details**

A full description (including a diagram or chart extract) of the incident and events leading up to the incident are to be detailed in the space provided below (if insufficient space, please use separate pages, each extra page that is used is to be signed).



**Owner's/Master's report**

I was anchored close to the inner Greening Shoal  $S 26^{\circ} 40' 5''$ ,  $E 153^{\circ} 14' 31''$  (slightly South of this position) when I saw a vessel approach from our right as per diagram. I thought it was a law enforcement vessel to check on our safety equipment. We had decided to head back to port and had commenced preparing to head back to shore. within seconds the boat collided with my boat and [redacted] and I were thrown into the water. I retrieved safety vests and [redacted]

[redacted] [redacted] we swam to [redacted] which was about 1km away. I provided medical assistance to [redacted] QPS took Police attached and transported us to shore.

Assistance rendered/received at incident Nil by Master of AUSSIE ONE, some by deckhand. QPS for transport to shore.

Name, status and photo assisted in completion [redacted]  
 Signature (Owner/Master) [redacted] Date 24.8.21  
 Owner/Master name (please print) [redacted]

Page 4 of 4 TRB Forms Area Form F3071 CPD V01 Aug 2016



# QUEENSLAND POLICE SERVICE



Sunshine Coast District Water Police  
1 Parkyn Parade, Mooloolaba Q4557  
PO Box 28, Mooloolaba Q4557  
TELEPHONE (07) 5457 6711 FACSIMILE (07) 5457 6737

Our Ref: 2021/19164

Your Ref:

7 September 2021

Area Manager (Sunshine Coast)  
Maritime Safety Queensland  
P O Box 1094  
MOOLOOLABA Q 4557

## MARINE INCIDENT – 21/08/21 – DCV v’s Recreational vessel offshore Pt Cartwright

**Attention:** Area Manager

Please find attached a marine incident report by Snr Con [removed] in relation to the collision of DCV 9.9m catamaran ‘Aussie One’ – UVI 42195Q and recreational vessel 4.7m Sport fish [removed] which occurred 5nm east of Point Cartwright on 21 August 2021.

Given that this incident involves a Domestic Commercial Vessel ‘Aussie One’, AMSA investigators were contacted and have taken on the marine incident as the lead agency with assistance being provided by Water Police where possible. Water Police have no further involvement in relation to this investigation. All documentation with respect to Water Police involvement is attached hereto and forwarded for your information.

Yours sincerely

N/R

[removed]  
Sergeant  
Officer in Charge  
Water Police Sunshine Coast



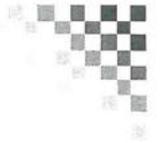
Released under RTI - DTMR



# QUEENSLAND POLICE SERVICE

Sunshine Coast District Water Police  
1 Parkyn Parade, Mooloolaba Q 4557  
Postal Address PO Box 28 Mooloolaba Q 4557

TELEPHONE 07 54752599 FACSIMILE 07 54576737



Our Ref:

Your Ref:

06 September 2021

**TO:** Officer in Charge, Water Police Sunshine Coast

**FROM:** Senior Constable [removed]

**SUBJECT:** Marine Incident reporting to MSQ for DCV vs Recreational boat collision on 21/08/2021 offshore Point Cartwright.

1. This report relates to a marine incident that occurred at about 1535hrs on the 21st of August 2021 approximately 5 nautical miles East of Point Cartwright. The incident involved a 10m spanner crabbing Domestic Commercial Vessel 'Aussie One' and a 4.7m recreational vessel.
2. Details of the all parties and their associated vessels are as follows:

[removed]  
N/R

Master and operator of 'Aussie One' UVI 42195Q  
9.9m powered catamaran of fibreglass construction.

[removed]  
N/R

Deckhand onboard 'Aussie One'

[removed]

Master and owner [removed] 4.7m 1990 Sport Fish Aluminium constructed recreational fishing vessel.

[removed]

3. Details of the Marine Incident are as follows:

The 9.9m DCV that was underway at the time has failed to see the smaller recreational vessel which was at anchor at the time and a collision has occurred. As a result of the two vessels colliding the smaller vessel has sunk in the vicinity of 26 degrees 40.680 (S) and 153

degrees 14.201 (E).

4. Sunshine Coast Water police officers [removed] on hearing the incident on Marine VHF radio channel 73 responded to the incident location and were first on scene. A witness statement from Senior constable [removed] is attached to this file outlining his involvement with the initial marine incident.
5. As a result of the marine incident [removed] suffered a fractured skull and was treated for his injuries initially by QAS officers at the Mooloolaba Boat ramp before being transported to the Sunshine Coast University Hospital for further treatment. [removed] suffered [removed] and was initially treated by QAS officers at the Mooloolaba boat ramp before being transported to the Sunshine Coast University Hospital for emergency surgery [removed]
6. Due to one of the involved vessels being a DCV, investigators from AMSA were contacted and began an investigation into the cause and circumstances surrounding this marine incident. Sunshine Coast Water Police officers assisted AMSA investigators with their investigation. AMSA are in the process of following up with several breaches involving the master of 'Aussie One' under the National Law for his involvement in causing this marine incident.
7. Sunshine Coast Water Police involvement in relation to this investigation has now finished. A copy of the Marine Incident reports submitted by both vessel masters are attached to this file along with the police report and several photographs of the involved commercial crabbing vessel.

#### RECOMMENDATION

8. Please forward this report and file on to Area Manager Gary CROZIER from the MSQ Mooloolaba office for their information and records.

[removed]  
N/R

[removed]

Senior Constable [removed]  
Water Police Sunshine Coast  
MOOLOOLABA

## Details

<b>Queensland Police Service</b>	
Report no.:	QP2101555765
Occurrence Type:	Marine incident - Injury [1467]
Occurrence time:	21/08/2021 15:30 -
Reported time:	21/08/2021 15:30
Place of offence:	CORAL SEA, MOOLOOLABA, QLD Australia 4557 (Patrol group: SUNSHINE COAST CENTRAL, Court Dist./Div.: MAROOCHYDORE, Region: NORTH COAST, District: SUNSHINE COAST, Division: MAROOCHYDORE, Stats area: 309056744, Beat: MOOLOOLABA)
Clearance status:	Open
Summary:	2 vessel marine incident involving 10m commercial crabbing boat and 4.7m Recreational boat approximatly 5NM East of Point Cartwright. Commercial vessel has collided with rec vessel causing serious injuries to the 2POB. Injured parties transported by Water police to Mooloolaba Boat ramp for waiting QAS.
Concluded summary:	
<i>Printed: 06/09/2021 10:11 by 4017440</i>	

### Activity log entries:

### Associated tasks:

- T2104062250 / For your attention / Closed / 24/09/2021 06:46 / removed  
removed / Low / 004 / PROPERTY - Advice required QP2101555765 Marine incident - Injury [1467] @21/08/2021 15:30 (CORAL SEA, MOOLOOLABA, QLD Australia 4557 (Patrol group: SUNSHINE COAST CENTRAL, Court Dist./Div.: MAROOCHYDORE, Region: NORTH COAST, District: SUNSHINE COAST, Division: MAROOCHYDORE, Stats a (Please advise which boat owner this property may belong to and if it can be returned? Thanks)

### Associated occurrences:

- Linked event / QP2100024922 / Operation (Other) [2106] / 04/01/2021 21:48 / 20210104 11:48:00:000 UTC
- Same event / QP2101562605 / Lost Property [1619] / 23/08/2021 10:42 / 20210823 00:42:51:947 UTC
- Linked event / QP2101555765 / Marine incident - Injury [1467] / 21/08/2021 15:30 / 20210821 05:30:00:000 UTC
- Linked event / QI2101551272 Street check / Street check Transport Marine related / 21/08/2021 17:26 / 20210821 07:26:19:000 UTC
- Linked event / QP2101555765 / Marine incident - Injury [1467] / 21/08/2021 15:30 / 20210821 05:30:00:000 UTC

### Involved Offences:

- [ 1467 / Marine incident - Injury ] / [ ] / [ 1 ]  
 Victim: [ ] / [ Non-Crime: Unsolved ]  
 Offender: [ ] / Status: [ ]  
 Cleared Unit: [ ] / [ ]

In confidence

Involved persons:

1. [Redacted]

2. [Redacted]

3. [Redacted]

N/R

MR

4. [Redacted] Driver; Injured; Owner [Redacted]  
 [Redacted] (Patrol group: INNER WEST, Court Dist./Div.:  
 BRISBANE/CENTRAL, Region: BRISBANE, District: NORTH BRISBANE, Division:  
 INDOOROOPILLY, Stats area: 305031558) (E-mail) [Redacted] Id #: 15125909 :  
 403532950 DL:QLD:037079173

5. [Redacted] Injured; Passenger / [Redacted]  
 [Redacted] (Patrol group: SUNSHINE COAST NORTHERN, Court  
 Dist./Div.: MAROOCHYDORE, Region: NORTH COAST, District: SUNSHINE COAST, Division:  
 COOLUM, Stats area: 309056723) Id #: 12728733 DL:QLD:041005057

Involved addresses:

1. CORAL SEA , / Occurrence address / MOOLOOLABA, QLD, Australia 4557 (Patrol group: SUNSHINE COAST CENTRAL, Court Dist./Div.: MAROOCHYDORE, Region: NORTH COAST, District: SUNSHINE COAST, Division: MAROOCHYDORE, Stats area: 309056744, Beat: MOOLOOLABA)

Involved comm addresses:

Involved vehicles:

1. [Damaged; Involved in crash] [Power boat : Speedboat] 1990 SPORT FISH 4.7M [ ] Reg #ZW780Q (Created: 21/08/2021 17:26)
2. [Involved in crash; Involved in offence] [Commercial/industrial : Fishing boat] 1987 [ ] Reg #42195Q (Created: 21/08/2021 17:58)

Involved officers:

1. Action station; Reporting station / 9 / SUNSHINE COAST WATER POLICE / 1173 / QPS / Assignable / 26/08/2021 / 20210826 --:--:--

2. Assisting officer / 9 / [removed] / QPS / Police officer / 1173 SUNSHINE COAST WATER POLICE (PARKYN PDE and PARKYN PDE, MOOLOOLABA QLD 4557 Australia (Patrol group: SUNSHINE COAST CENTRAL, Court Dist./Div.: MAROOCHYDORE, Region: NORTH COAST, District: SUNSHINE COAST, Division: MAROOCHYDORE, Stats area: 309056744, Beat: MOOLOOLABA, NHW: BEACH WATC (Mobile telephone) [removed] / #4009788 EDDEN, D. / 22/08/2021 / 20210822 --:--:--:--
3. Action officer; Reporting officer; Submitting officer / 9 / [removed] / QPS / Police officer / 1173 SUNSHINE COAST WATER POLICE (PARKYN PDE and PARKYN PDE, MOOLOOLABA QLD 4557 Australia (Patrol group: SUNSHINE COAST CENTRAL, Court Dist./Div.: MAROOCHYDORE, Region: NORTH COAST, District: SUNSHINE COAST, Division: MAROOCHYDORE, Stats area: 309056744, Beat: MOOLOOLABA, NHW: BEACH WATC (Mobile telephone) [removed] / 22/08/2021 / 20210822 --:--:--:--

#### Involved property:

1. Marine equipment: Fishing equipment / Found / BCF / In / [NOOSA HDS] NOOSA HEADS PP02:GENERAL:EX3 [46430234] / P2100294934 / P2100294934 / Occ: QP2101555765 Value:0.00 (1 - BCF Fish Kill Waterproof Bag)
2. Marine equipment: Lifejackets / Found / MARLIN DOMINATOR / In / [NOOSA HDS] NOOSA HEADS PP02:GENERAL:EX3 [46430234] / P2100294922 / P2100294922 / Occ: QP2101555765 Value:0.00 (1 - Lifejacket found 10 km off Caloundra out to sea.)

#### Modus operandi:

#### Reports:

##### General report

Occurrence: QP2101555765 Marine incident - Injury [1467]  
@21/08/2021 15:30 (CORAL SEA, MOOLOOLABA, QLD  
Australia 4557 (Patrol group: SUNSHINE COAST  
CENTRAL, Court Dist./Div.: MAROOCHYDORE, Region:  
NORTH COAST, District: SUNSHINE COAST, Division:  
MAROOCHYDORE, Stats a

Task:

Author:

[removed]

Report time:

22/08/2021 08:28

Entered by:

[removed]

Entered time:

22/08/2021 08:28

Remarks:

Narrative:

MARINE INCIDENT AS FOLLOWS:

Incident Time: 3.30pm

JN 2326

Incident Location 5 Nautical Miles East of Point Cartwright (Mooloolaba).

Units Attending SCD Water Police (Sgt [removed] / Sen Const [removed])

Unit 2 : Small vessel owner by [removed] (Sgt 17822 of Brisbane Prosecutions). Passenger [removed]  
[removed]

Unit 1: 10 metre Commercial Vessel (limited details)

Initial Investigations.

In confidence

Unit 2 was anchored and believed to be fishing. Unit 1 has failed to see Unit 2 and ran over top of Unit 1. It is believed that the sun has impaired the vision of the captain.

Serious injuries sustained to passenger of Unit 2 [removed]  
[removed]

Sgt [removed] has sustained an unknown head injury (First aid already applied upon WP attending). He appeared to be in shock but was conscious.

Both injured persons taken to SCUH.

RBT to be required at Hospital. Caloundra crew tasked.

Unit 2 has sunk to bottom of the sea.

Unit 1 has sustained damage (propeller) which has disabled the vessel and it was required to be towed by Coast Guard. Captain to be breath tested once arriving back at shore. Nil physical injuries to any crew of Unit 1. Captain appears to be in shock.

Inspector [removed] (Brisbane Prosecutions) advised by DDO.

DDO to attend SCUH for welfare.

Australia Maritime Safety Authority (AMSA). WP and AMSA joint investigation.

#### Supplementary report

Occurrence: QP2101555765 Marine incident - Injury [1467]  
@21/08/2021 15:30 (CORAL SEA, MOOLOOLABA, QLD  
Australia 4557 (Patrol group: SUNSHINE COAST  
CENTRAL, Court Dist./Div.: MAROOCHYDORE, Region:  
NORTH COAST, District: SUNSHINE COAST, Division:  
MAROOCHYDORE, Stats a

Task:

Author: [removed]

Report time: 25/08/2021 10:27

Entered by: [removed]

Entered time: 25/08/2021 10:27

Remarks:

Narrative:

The reporting officer has been working with AMSA investigators in a joint investigation relating to this serious marine incident. On the 22/08/2021 the reporting officer attended the SCUH and took up with [removed] and obtained a BWC version from him in relation to the incident. The BWC has been shared with Inspector [removed] from AMSA for a statement to be obtained from the footage.

On the 23/08/2021 AMSA investigators took up with the skipper and deckhand off Aussie One (Commercial crabbing vessel) and obtained a ROI of their version of what happened during the Marine Incident. A full audit and inspection was conducted on the vessel with SMS documentation and log books examined by the AMSA investigators.

On the 24/08/2021 the reporting officer attended SCUH and spoke with victim [removed] and obtained his version of events on BWC. This footage was also shared with Inspector [removed] from AMSA.

At this stage the investigation will be carried out by AMSA officers with QPS playing a supporting role.

#### Field Property Receipt No: F1261769

Occurrence: QP2101555765 Marine incident - Injury [1467]  
@21/08/2021 15:30 (CORAL SEA, MOOLOOLABA, QLD  
Australia 4557 (Patrol group: SUNSHINE COAST  
CENTRAL, Court Dist./Div.: MAROOCHYDORE, Region:  
NORTH COAST, District: SUNSHINE COAST, Division:  
MAROOCHYDORE, Stats a

Task:

Author: #4032358 [removed]

In confidence

Report time: 25/08/2021 15:31  
Entered by: #4032358 removed  
Entered time: 25/08/2021 15:31  
Person:  
Address:  
Vehicle:  
Officer:  
Remarks:  
Narrative:



Signed statement removed

Occurrence: QP2101555765 Marine incident - Injury [1467]  
@21/08/2021 15:30 (CORAL SEA, MOOLOOLABA, QLD  
Australia 4557 (Patrol group: SUNSHINE COAST  
CENTRAL, Court Dist./Div.: MAROOCHYDORE, Region:  
NORTH COAST, District: SUNSHINE COAST, Division:  
MAROOCHYDORE, Stats a  
Task: T2104062250 [For your attention - Closed] Due: 24/09/2021 06:46 #4019535 removed  
N. -> removed M. [Low] PROPERTY - Advice required QP2101555765  
Marine incident - Injury [1467] @21/08/2021 15:30 (CORAL SEA, MOOLOOLABA,  
QLD Australia 4557 (Patrol gr  
Author: removed  
Report time: 31/08/2021 20:42  
Entered by: removed  
Entered time: 31/08/2021 20:42  
Person:  
Address:  
Vehicle: removed  
Officer: removed  
Remarks:  
Narrative:



Released under RTI/DOTMR



QUEENSLAND POLICE SERVICE  
STATEMENT OF WITNESS



QP 0125  
01/06  
Δ15  
Ω2 15:40.0

Occurrence #: QP2101555765

Statement no.: One

Date: 31/08/2021

**Statement of**

Name of witness: removed

Date of birth: \_\_\_\_\_

Age:   

Occupation: Police officer

**Police officer taking statement**

Name of police officer: removed

Rank: Senior Constable

Reg. no.: removed

Region/Command/Division: NORTH COAST  
MAROOCHYDORE

Station: SUNSHINE  
COAST  
WATER  
POLICE

**Statement:**

removed states:

1. I am a Senior Constable of Police with the Queensland police Service. I am currently working as a Water Police Officer based at Mooloolaba on the Sunshine Coast. I am an appointed Queensland Shipping Inspector and a Marine Safety Inspector under the National Law. I currently hold National Marine Qualifications as Master < 24m and Marine Engine Driver Grade 2.
2. I remember certain events of Saturday the 21<sup>st</sup> of August 2021. On this date I was working an 8am until 4pm shift in the company of Sergeant removed at the Sunshine Coast Water Police.
3. At approximately 3.30pm we were at the water police office when I heard a transmission on Marine VHF radio channel 73 in relation to a serious marine incident. As a result of this information I received I alerted Sergeant removed that we would start responding to the location given as 26° 40.680 (S) and 153° 14.201 (E) to assist.
4. removed and I quickly departed for the above location using our 7.6m RHIB which was tied up to our pontoon at Mooloolaba. I entered the GPS co-ordinates into our vessels chart plotter and began heading directly to this location which was approximately 5NM East of Point Cartwright.
5. On arrival at this location I observed a white catamaran approximately 10m long with several persons onboard. As I drove towards this vessel, I noticed a few items floating in the water nearby. I noted the name on the side of the vessel to be 'Aussie One' which I recalled being the name of the vessel which had called in the marine incident.
6. As removed and I pulled up alongside 'Aussie One' I saw four males on the rear deck of the vessel. One of the males was lying on a bench with multiple bandages around his legs. One of the other males had a bandage around his head and I had a conversation with this male.

removed  
N/R

(Signature)

(Justice of the Peace (Qual.)/  
Commissioner for Declarations's signature)

(Signature of police officer preparing  
statement)

CONTINUED STATEMENT OF: MUDDIMAN, MARK PHILLIP

7. As a result of this conversation I believed that the boat the injured men had been on had been run over by 'Aussie One' a commercial Spanner Crabbing vessel. I remember one of the males on the rear deck of the vessel telling me that he was the master of 'Aussie One' and that he hadn't seen the other boat due to having the sun in his eyes.
8. Due to the injuries sustained I believed it was imperative to get the two men back to land for medical assistance as soon as possible. [redacted] and I along with assistance from the two crew members loaded the two injured males onboard our police vessel using the rear loading platform on 'Aussie One'. Once both males were onboard, I began proceeding at speed towards Mooloolaba Harbour.
9. On arrival at the Mooloolaba Coast Guard boat ramp we were met by waiting paramedics. [redacted] and I assisted the paramedics by loading the two injured men on to spinal boards and stretchers. During these dealings I obtained the details of the men as being [redacted] [redacted] the boat owner and [redacted] who was the passenger onboard at the time of the collision.
10. [redacted] were transported by ambulance to the Sunshine Coast University Hospital for emergency treatment.
11. At about 6pm the Mooloolaba Coast Guard rescue vessel arrived back at the public pontoon with 'Aussie One' in tow. [redacted] and I assisted the Coast Guard to tie up the disabled vessel on to the pontoon where I spoke to the skipper and deckhand who were onboard the vessel at the time of the collision.
12. I obtained the skippers details as [redacted] and his deckhand as being [redacted] N/R [redacted] and handed [redacted] a AMSA Marine Incident Report to fill out with the details of the incident and my business card.
13. On Sunday the 22<sup>nd</sup> day of August 2021 Sergeant [redacted] and I were working an 8am until 4pm shift. Shortly after commencing our shift I along with [redacted] attended the Sunshine Coast University Hospital and obtained a version on my Body Worn Camera from [redacted] During this version [redacted] explained what he recalled from the vessel collision and the injuries he sustained as a result of the marine incident. I handed [redacted] a Queensland Government Marine Incident Report to fill out and my business card. **(I am able to produce a copy of this recording as evidence to the court NUMBERED AND TENDERED .....)**
14. [redacted] and I then attended [redacted] room where I observed him to be lying in a hospital bed with [redacted] After a brief conversation with [redacted] I believed him to have suffered [redacted] as a result of the collision. I informed [redacted] that I would let him get some rest and come back the following day to obtain a version from him.
15. [redacted] and I left the hospital and returned to our station to make follow up inquires.
16. On Monday the 23<sup>rd</sup> of August I attended the sunshine Coast University Hospital and obtained a version from [redacted] on my Body Worn Camera. During this version [redacted] explained what had occurred during the collision and in the aftermath. He also

N/R

(Witness's signature)

(Justice of the Peace (Qual.)/  
Commissioner for Declarations's signature)

(Signature of police officer preparing  
statement)

CONTINUED STATEMENT OF: [removed]

informed me of the seriousness of his injuries to his right lower leg and left foot. (I am able to produce a copy of this recording as evidence to the court NUMBERED AND TENDERED .....)

17. On the conclusion of speaking to [removed] I returned to the station and spoke to [removed] [removed] from AMSA in relation to the incident. As a result of this conversation with [removed] I agreed to send him through the evidence.com links to the versions I had obtained from [removed] at the hospital.

18. A few days later I received a copy of a Qld Marine Incident Report from [removed] and a AMSA Marine Incident Report from [removed]

19. During my dealings with this investigation I took several photos of 'Aussie One' and of the injured males. (I am able to produce a copy of these photographs as evidence to the court NUMBERED AND TENDERED .....)

20. At the conclusion of assisting AMSA investigators I submitted a report to Maritime Safety Queensland along with this statement.

21. I took no further part in this investigation

[removed]  
N/R

[removed]

*Justices Act 1886*

I acknowledge by virtue of section 110A(6C)(c) of the *Justices Act 1886* that:

- (1) This written statement by me dated 31/08/2021 and contained in the pages numbered 1 to 4 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that I may be liable to prosecution for stating in it anything that I know is false.

[removed]  
N/R

.....Signature

Signed at Mooloolaba this 31<sup>st</sup> day of August 2021.

[removed]  
N/R

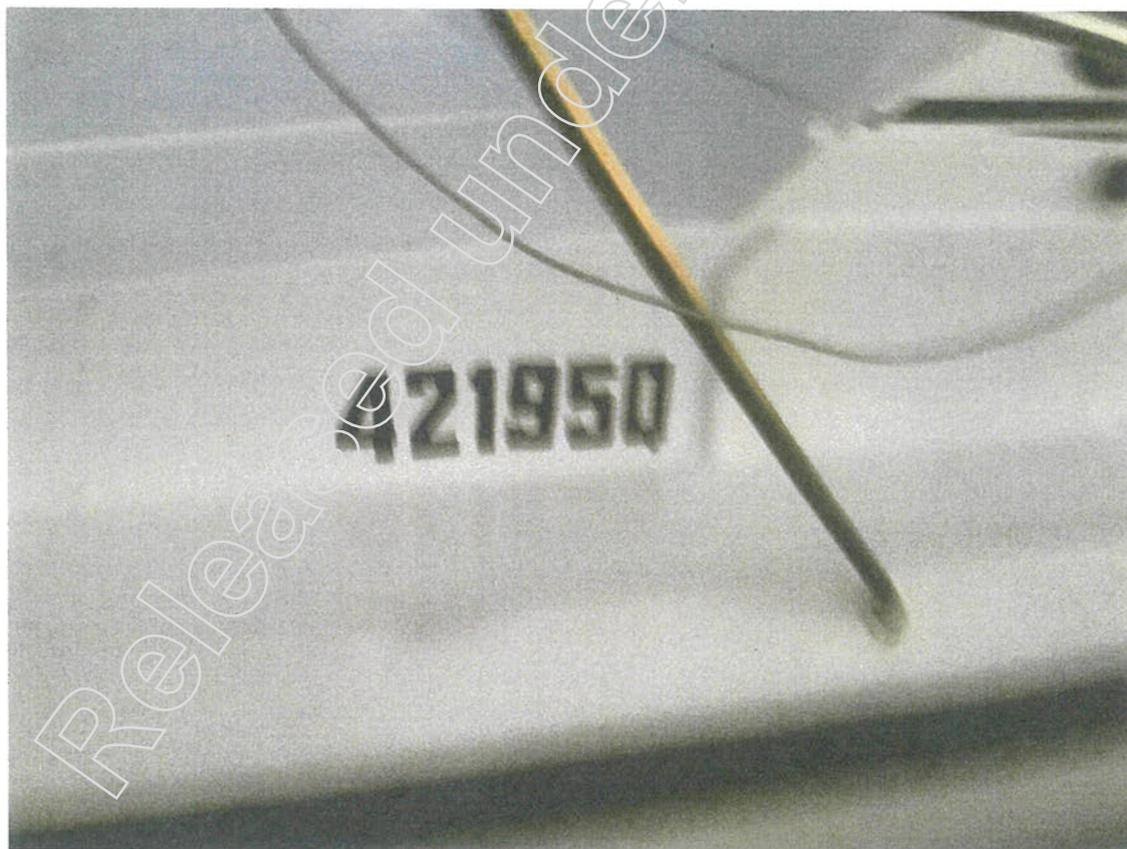
(Witness's signature)

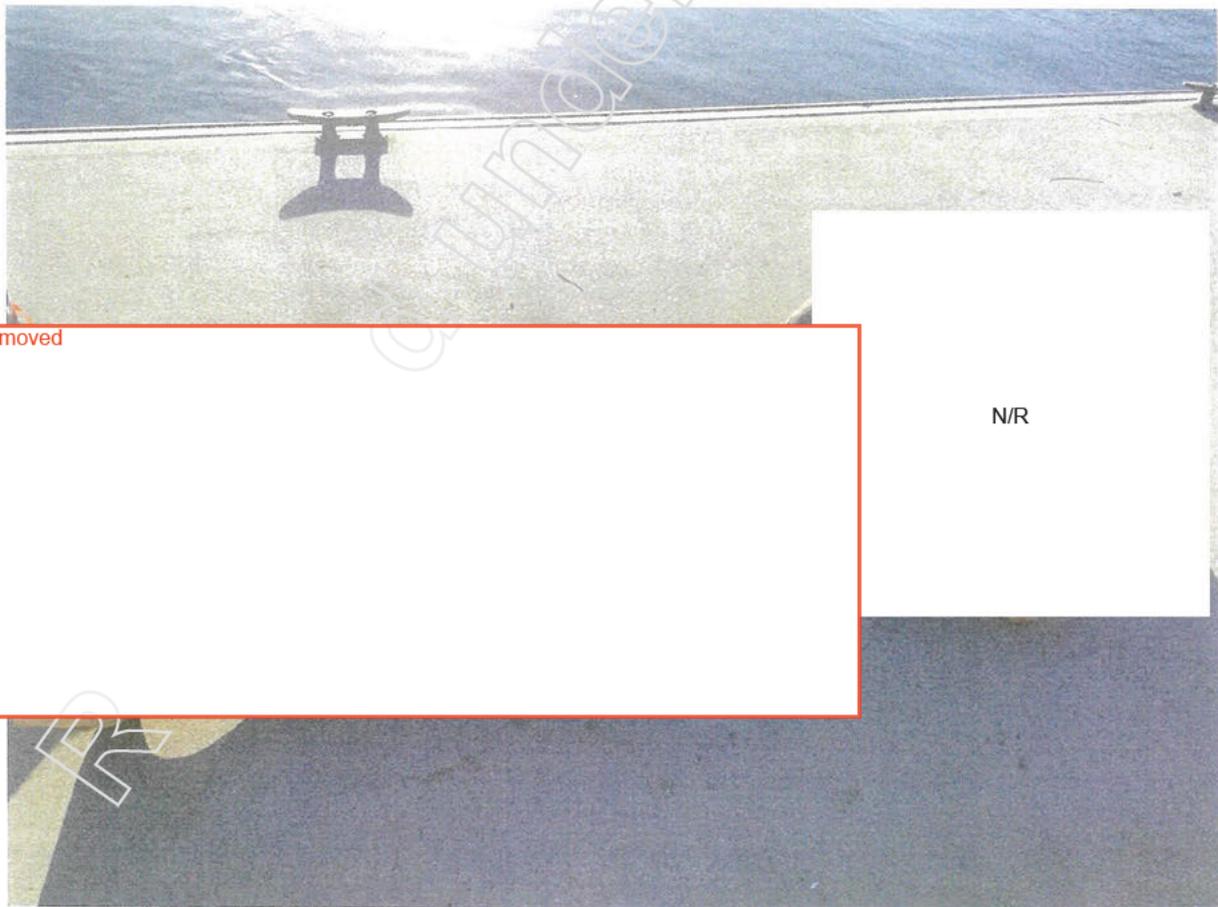
(Justice of the Peace (Qual.)/  
Commissioner for Declarations's signature)

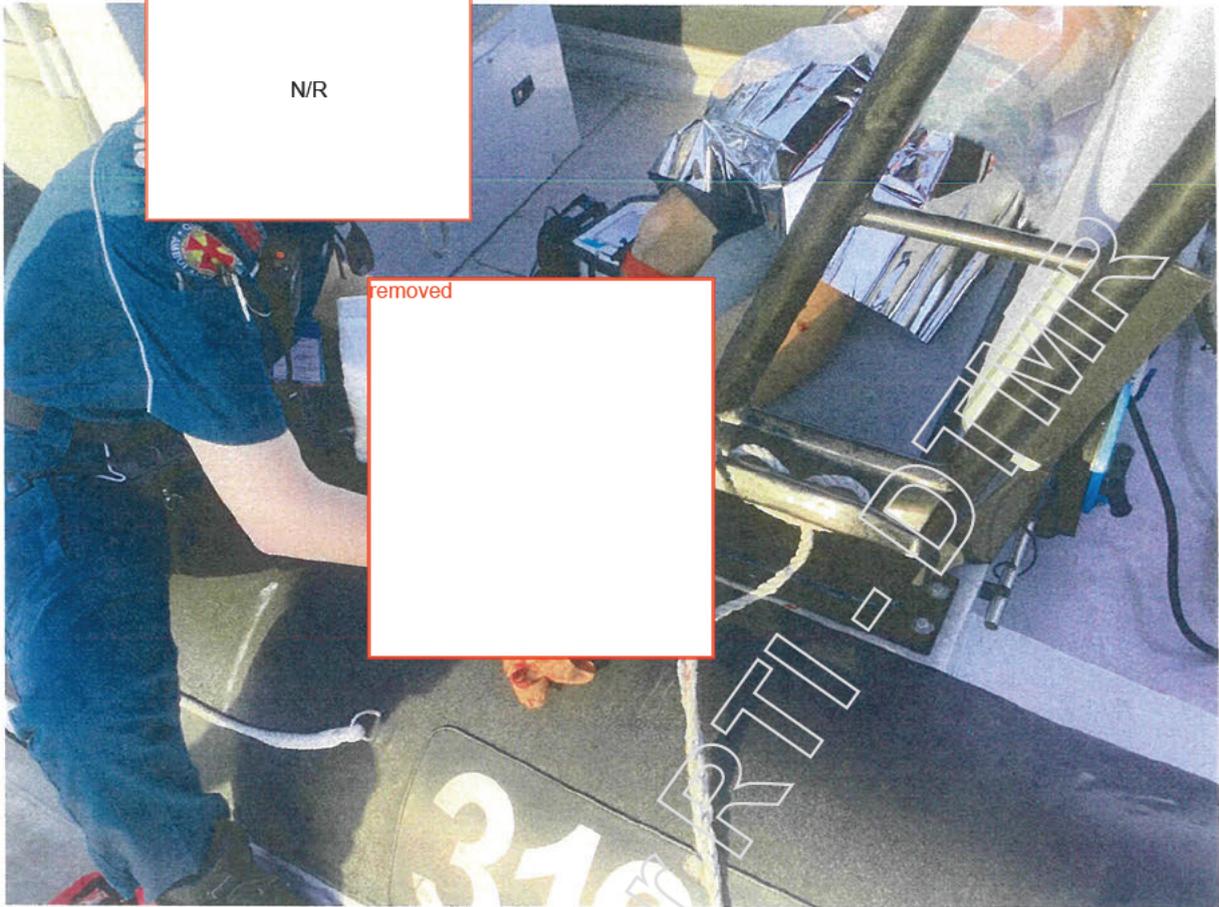
(Signature of police officer preparing  
statement)











removed

**From:** Dean B Crust  
**Sent:** Thursday, 16 December 2021 1:57 PM  
**To:** removed  
**Subject:** RE: Marine Incident - 21/08/21 - DCV UV 42195Q vs Recreational removed [SEC=UNOFFICIAL]

Good afternoon [redacted]

Thank you for sending that through. I'll contact you beforehand if we are required to share. Are you able to provide us an update when this matter is finalised?

Also, when you get the chance are you able to provide the master's qualification details at all? Type, Number, Issue date, Expiry date and so on.

Thanks

Kind regards,

Dean

**Dean Crust**  
Marine Officer Grade 3  
Maritime Safety Queensland | Department of Transport and Main Roads

Old Pilot Station, 1 Parkyn Parade, Mooloolaba, Queensland 4557  
PO Box 1094 | Mooloolaba Qld 4557

P: (07) 5373 2310

M: [redacted] N/R

E: [dean.b.crust@msq.qld.gov.au](mailto:dean.b.crust@msq.qld.gov.au)

W: [www.msq.qld.gov.au](http://www.msq.qld.gov.au)

---

**From:** removed@amsa.gov.au  
**Sent:** Thursday, 9 December 2021 11:05 AM  
**To:** Dean B Crust <Dean.B.Crust@msq.qld.gov.au>  
**Subject:** RE: Marine Incident - 21/08/21 - DCV UV 42195Q vs Recreational removed [SEC=UNOFFICIAL]

**UNOFFICIAL**

Hello Dean,

We infringed the Master of the commercial vessel.

Here is the facts as alleged in the infringement.

[redacted]  
N/R

Kind regards,

removed

ADVISOR - NORTH  
ENFORCEMENT AND INSPECTOR SUPPORT  
OPERATIONS  
AUSTRALIAN MARITIME SAFETY AUTHORITY

Level 9, 410 Ann Street, Brisbane QLD 400

PO BOX 10790, Adelaide Street, Brisbane QLD 4000  
p 07 3001 6827 | m [redacted] N/R  
e [redacted]@amsa.gov.au | [www.amsa.gov.au](http://www.amsa.gov.au)

[Facebook](#) | [Twitter](#) | [LinkedIn](#)

SAFE AND CLEAN SEAS, SAVING LIVES

In the spirit of reconciliation the Australian Maritime Safety Authority acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples.

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**From:** Dean B Crust <[Dean.B.Crust@msq.qld.gov.au](mailto:Dean.B.Crust@msq.qld.gov.au)>

**Sent:** Wednesday, 8 December 2021 11:49 AM

**To:** [redacted]@amsa.gov.au>

**Subject:** Marine Incident - 21/08/21 - DCV UV 42195Q vs Recreational [redacted]

Hi [redacted]

I just wanted to see what was the AMSA outcome was for this marine incident. Have you finalised this one yet, and are you able to provide the a summary of facts, findings, and conclusion if that is the case?

Kind regards,

*Dean*

**Dean Crust**

Marine Officer Grade 3

Maritime Safety Queensland | Department of Transport and Main Roads

Old Pilot Station, 1 Parkyn Parade, Mooloolaba, Queensland 4557

PO Box 1094 | Mooloolaba Qld 4557

P: (07) 5373 2310

M: [redacted] N/R

E: [dean.b.crust@msq.qld.gov.au](mailto:dean.b.crust@msq.qld.gov.au)

W: [www.msq.qld.gov.au](http://www.msq.qld.gov.au)

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## MSID RTI Case Report

Case - MSC2776 - Open Case - DCV collides into anchored vessel - causing injury and capsizing



Case Reference:	MSC2776-2021
DMS Container:	230/01190
Subject of Case:	DCV collides into anchored vessel - causing injury and capsizing
Operation Name:	
TOMSA:	Yes
TOMPA:	No
National:	No
Category:	2
Status:	Open Case
Region (Lead):	Brisbane (Sunshine Coast)
Investigator (Lead):	CRUST, Dean B

Released under RTI - DPMR

Summary of Facts:

That on 21 August 2021 at approximately 15:35, a marine incident occurred in open waters in the vicinity of the Inner Gneerings Shoal 5nm east of Point Cartwright. The marine incident involved a collision between two ships, (DCV) Aussie One – UVI 446506 and (QRS) removed and resulted the capsizing of the QRS and the serious injury of the two persons on board who then required admission to hospital.

This matter was reported to Maritime Safety Queensland by the Australian Maritime Safety Authority (AMSA) on the 23 August 2021. AMSA advised that they would be investigating the marine incident with support from the Queensland Police Service.

AMSA reports that on Saturday 21 August 2021 removed was identified as the master of domestic commercial vessel (DCV) Aussie One - Unique Vessel Identifier 446506. At approximately 15:35 hrs on that day the DCV was involved in a marine incident whereby, as a result of removed actions in relation to his command and charge over the vessels controls, the vessel collided with a recreational vessel. Whilst proceeding at a speed of approximately 15 knots in a westerly direction towards Point Cartright to return to Mooloolaba Harbour (DCV) Aussie One collided midships with a 4.7 metre aluminium recreational vessel that was in a stationary position with 2 persons fishing approximately 5 nautical miles east of Point Cartright. As a result of the collision which occurred at speed and with force, the recreational vessel capsized and sustaining damage causing it to sink. The 2 occupants of the vessel suffered severe injuries being the master removed and the passenger sustained a removed

During an electronically recorded interview with AMSA Marine Safety Inspectors removed stated that he was returning from a working day of commercial spanner crabbing and that he was seated in the master's chair behind the wheel of Aussie One driving the vessel as the Master. removed further stated that he was travelling at approximately 15 knots and that he did not see the recreational vessel until he felt the impact of the collision removed stated that excessive sunlight may have hindered his vision however he was unable to provide a reasonable explanation as to why he didn't see the recreational vessel at any time prior to impact.

Subsection 17(2) of the National Law provides that the master of a domestic commercial vessel must not unreasonably place the safety of another person at risk when carrying out duties as master of the vessel. Subsection 18(4) of the National Law provides that a person in breach of general safety duties commits an offence of strict liability if an act or omission of the person contravenes subsection 17(2).

The offence provided for in subsection 18(4) of the National Law is a strict liability offence. This means there are no "fault elements" such as negligence, recklessness, or intent that are required to be considered by the National Regulator in deciding whether there are reasonable grounds for believing that the offence has been committed, or required to be proven to establish the offence in court proceedings.

MSQ Attended:	No
MSQ Officer/s:	
MSQ Contact No.:	
QPS Attended:	Yes
QPS Officer/s:	Snr Constable removed lineSgt removed
QPS Contact No.:	removed
QAS Attended:	Yes
QAS Officer/s:	
QAS Contact No.:	
QBFP Attended:	No
QBFP Officer/s:	
QBFP Contact No.:	
Other Agencies:	Yes
Other Agency Officers:	Australian Maritime Safety Authority

Other Agency Contact/s:	David McArthur\lineGaven Ruffell
Case Assigned:	13/09/2021
Case Accepted:	24/09/2021
Expected Days to Complete:	182
Completion Due Date:	14/03/2022
Case Complete:	
Case Checked (AM):	
Case Closed - Prosecution:	
Case Closed - Admin Action:	
Case Closed - AMSA:	
Case Closed - Coroner:	
Case Closed (CU):	
Case Closed - Finalised (AM):	
Case Closed - Finalised (CU):	
Review Action Required:	No
Review Action Completed:	No
Conclusion:	
Finalised - NFA:	No
Finalised - Education:	No
Finalised - Formal Warning:	No
Finalised - Infringement:	Yes
Finalised - Prosecution:	No
Finalised - Administrative:	No
Total Hour of Effort:	2.75
Notes:	
Refer for CU Action:	No
Findings:	As a result of the Australian Maritime Safety investigation into this matter, it was determined that an offence pursuant to Section 18(4) - Breach duty to ensure safety of vessel, marine safety equipment and operations or to take reasonable care for safety of persons (master) of the NATIONAL LAW was committed and <span style="border: 1px solid red; padding: 0 5px;">removed</span> is suspected to have committed the offence.



Role:	Involved Ship
Ship Unit:	
Ship Damage/Loss:	
Ship Registration Type:	
Details:	
Notes:	
Ship Type:	Motor Boat
Ship Name:	
Ship Registration:	<span style="border: 1px solid red; padding: 0 5px;">removed</span>
Former Names:	
Previous Registration:	
Make/Model:	SPORT FISH 4.7M SPORTS BOAT/SKI BOAT
Length (m):	4.7
Beam (m):	2
Year Built:	1990
Hull Material:	Marine alloy
Primary Colour:	White
Power Description:	YAMAHA
Number of Engines:	1
Engine Type:	Inboard Petrol
Total Kilowatt Power:	67.1

Total Horse Power:	90
Identification Number (HIN/SIN):	983007
Notes:	TICA KB



Role:	Involved Ship
Ship Unit:	02
Ship Damage/Loss:	
Ship Registration Type:	COM Fishing
Details:	
Notes:	
Ship Type:	Motor Boat
Ship Name:	AUSSIE ONE
Ship Registration:	446506
Former Names:	
Previous Registration:	
Make/Model:	
Length (m):	9.9
Beam (m):	
Year Built:	1987
Hull Material:	Fibreglass/GRP
Primary Colour:	White
Power Description:	
Number of Engines:	
Engine Type:	
Total Kilowatt Power:	
Total Horse Power:	
Identification Number (HIN/SIN):	
Notes:	Police report, AMSA report



Role:	Owner / Master
Ship Unit:	01
Injury Status:	
Details:	
Notes:	
Customer Reference No.:	removed
Family Name:	removed
First Name:	
Middle Names:	
Gender:	
Date of Birth:	
Place of Birth:	
Nationality:	Australia
ATS:	
Also Known As:	
ABN:	
Photograph:	removed
Full Name:	removed
Email:	
Business Phone:	
Mobile Phone:	N/R

Other Phone:	
Home Phone:	
Notes:	TICA KB

Released under RTI - DTMR



Role:	Passenger
Ship Unit:	01
Injury Status:	Serious Injury
Details:	
Notes:	
Customer Reference No.:	removed
Family Name:	removed
First Name:	[Redacted]
Middle Names:	
Gender:	
Date of Birth:	
Place of Birth:	
Nationality:	
ATSI:	
Also Known As:	
ABN:	
Photograph:	
Full Name:	removed
Email:	[Redacted]
Business Phone:	
Mobile Phone:	N/R
Other Phone:	
Home Phone:	
Notes:	TICA KB

Role:	Master
Ship Unit:	C2
Injury Status:	
Details:	
Notes:	
Customer Reference No.:	N/R
Family Name:	removed
First Name:	[Redacted]
Middle Names:	
Gender:	Unknown
Date of Birth:	[Redacted]
Place of Birth:	
Nationality:	
ATSI:	
Also Known As:	
ABN:	
Photograph:	
Full Name:	removed
Email:	[Redacted]
Business Phone:	
Mobile Phone:	
Other Phone:	
Home Phone:	
Notes:	TICA - MO Crust



Role:	Crew
Ship Unit:	02
Injury Status:	
Details:	
Notes:	
Customer Reference No.:	N/R
Family Name:	
First Name:	
Middle Names:	
Gender:	
Date of Birth:	
Place of Birth:	
Nationality:	
ATSI:	
Also Known As:	
ABN:	
Photograph:	N/R
Full Name:	
Email:	
Business Phone:	
Mobile Phone:	
Other Phone:	
Home Phone:	
Notes:	



Notes:	
Type:	Data Entry
Task Title:	Initial case open data entry
Status:	Task Complete
Task / Entry Date:	13/09/2021
Task / Entry Time:	11:55
Assigned / Recorder:	removed
Region:	Brisbane (Sunshine Coast)
Hours of Effort:	0.25
Due Date:	13/09/2021
Days to Due Date:	100
Status Indices:	1
Task Description (Running Sheet):	DMS container creation MSID case open ACK letter issued Teams buckets opened and assigned
Completed Date:	13/09/2021
Notes:	Completed KB



Notes:	
Type:	Running Sheet Entry
Task Title:	Investigation running log

Status:	Task In Progress
Task / Entry Date:	17/12/2021
Task / Entry Time:	10:13
Assigned / Recorder:	CRUST, Dean B
Region:	Brisbane (Sunshine Coast)
Hours of Effort:	0.5
Due Date:	
Days to Due Date:	
Status Indices:	1
Task Description (Running Sheet):	<p>23/08/21 10:00 DC Informed by Brett Williams - Compliance that there had been a marine incident over the weekend. Collision between two ships, DCV and QRS resulting in serious injury.</p> <p>23/08/21 10:34 DC Telephoned [removed] from AMSA and enquired about incident. He stated that it appears that a fishing vessel has collided into a stationary recreational vessel that was anchored. That the recreational vessel had 2 POB and that one of them was seriously injured with a partial amputation of a foot. Police had responded to incident and later obtained VOE from person on board recreational vessel [removed] (AMSA) would be leading the investigation with support from Water Police.</p> <p>23/08/21 DC [removed] attended MSQ office and picked up DCV vessel files from Gary Crozier in relation to incident. [removed] advised that they will report to MSQ once AMSA and police investigation has been finalised. MSQ offered AMSA assistance if they required.</p> <p>10/09/21 10:00 DC [removed] CWP attended MSQ office. Submitted Qld Police marine incident report for Marine Incident – 21/08/21 – DCV v's Recreational vessel offshore Pt Cartwright and other documents including MSQ Marine Incident Report completed by [removed] and AMSA Marine Incident Report completed by [removed]</p> <p>08/12/21 0:26 DC Call from Andrea Hanyicskane-Derhan – Compliance. Advised that she would be sending through email for RTI about investigation.</p> <p>08/12/21 10:40 DC Email received from Andrea Hanyicskane-Derhan – Compliance. Email contained information for RTI – requesting to provide information.</p> <p>08/12/21 11:49 DC Sent email to [removed]. Requested update on Marine Incident – summary of facts,</p> <p>09/12/21 11:05 DC Received email from [removed] AMSA. It stated that AMSA had infringed the Master of the commercial vessel. N/R</p> <p>[removed] N/R</p> <p>N/R Attached were the facts as alleged in the infringement.</p> <p>16/12/21 13:57 DC Sent reply email [removed] Informed him that I would contact him if MSQ required to share information and requested an update once the matter has been finalised. I also requested that he provides the Master's qualification details, type, number, issue date and expiry date.</p> <p>16/12/21 15:25 DC Received email from Andrea Hanyicskane-Derhan – compliance. Email was the RTI for documents from case. She stated that she will look after the MSID report.</p>

Completed Date:	
Notes:	

Notes:	
Type:	Data Entry
Task Title:	MSID data entry
Status:	Task In Progress
Task / Entry Date:	17/12/2021
Task / Entry Time:	10:14
Assigned / Recorder:	CRUST, Dean B
Region:	Brisbane (Sunshine Coast)
Hours of Effort:	2
Due Date:	
Days to Due Date:	
Status Indices:	1
Task Description (Running Sheet):	
Completed Date:	
Notes:	

Type:	Case Trigger
Details:	
Notes:	
Marine Incident No.:	MSQ24986-2021
Incident Type:	Marine Incident
Date:	21/08/2021
Time:	15:35:00:ttt
Caseman ID:	
Incident Report Details:	DCV collides into anchored vessel - causing injury and capsizing
Water Type:	Beyond Partially Smooth
Coordinates:	
Latitude:	-26.65208
Longitude:	153.183555
Location Name:	Inner Gneering
Region:	Brisbane (Sunshine Coast)
Weather Conditions:	Clear
Visibility Conditions:	
Water Conditions:	Calm
Swell Height (m):	
Wind Speed:	Light (1 - 6 kts)
Wind Direction:	
Type of Marine Incident:	Collision between ships
Incident Consequence:	Injury (Hospital Admission)
Public Interest:	Public interest unlikely
Highest Ship Class:	Class 2
Compliance Weighting:	0
Weighting Reason:	
Original Rating Score:	15
Final Rating Score:	15
Category:	2
Fatalities (No.):	0

Injuries - Serious (No.):	2
Injuries - Minor (No.):	0
Minor Damage (Ships):	0
Moderate Damage (Ships):	0
Major Damage (Ships):	0
Lost Ships:	0
Pollution Category:	
Pollution Source:	
Pollutant:	
Pollution - Extent (Length):	
Pollution - Extent (Width):	
Pollution - Extent (Area):	
Pollution - Extent (Volume):	
Pollution - Discharge Been Stopped?:	No
Pollution - Photos Taken:	No
Pollution - Video Taken:	No
Pollution - Samples Taken:	No
Pollutions - Samples Taken By:	
Pollution - Statutory Authority:	MSQ
Pollution - Combat Authority:	MSQ
Pollution - Response Brief:	
Notes:	
(H-N1) Failure to comply with ColRegs:	No
(H-N2) Insufficient voyage planning:	No
(H-N3) Excessive Speed:	No
(H-N4) Navigation Error - Other:	No
(H-P5) Inadequate training:	No
(H-P6) Inappropriate instructions to crew:	No
(H-P7) Communications Failure:	No
(H-P8) SMS Failure:	No
(H-O9) Inattention:	No
(H-O10) Inexperience/lack of knowledge:	No
(H-O11) Bridge Watch keeping failure:	No
(H-O12) Insufficient crew numbers:	No
(H-O13) Mooring Failure:	No
(H-O14) Insufficient maintenance:	No
(H-O15) Overloading:	No
(H-O16) Operational error - other:	No
(M-V1) Bridge or Navigation Failure:	No
(M-V2) Electrical system failure:	No
(M-V4) Propulsion system failure:	No
(M-V5) Hull Breach:	No
(M-V6) Equipment failure - other:	No
(M-V7) Fuel or gas leak:	No
(M-DC8) Inadequate stability - shifting cargo:	No
(M-D9) Inappropriate hull/equipment - Construction:	No
(M-DC10) Inappropriate hull, equipment - design:	No
(M-DC11) Vessel construction failure - other:	No
(M-SS12) Shore structure design:	No
(M-SS13) Shore structure maintenance:	No
(M-SS14) Gangway/Boarding Ladders:	No
(E-H15) Floating or Submerged object:	No

(E-H17) Hazardous waters - uncharted hazards:	No
(E-H16) Wash of passing vessel:	No
(E-H18) Hazard - other:	No
(CF1) Insufficient safety equipment:	No
(CF2) Tidal conditions:	No
(CF3) Bar conditions:	No
(CF4) Hazardous season (cyclones etc):	No
(CF5) Hazardous waters - obstructions:	No
(CF6) Poor Visability:	No
(CF7) Sea state:	No
(CF8) Wind:	No
(CF9) Heavy traffic area:	No
(CF10) Medical condition:	No
(CF-11) Alcohol / Drugs:	No
(CF12) Fatigue:	No
(CF13) Failure to wear lifejackets:	No
(CF14) Failure to wear engine kill lanyard:	No
MR-T Value:	7
MR-C Value:	8
MR-PI Value:	0
Days Since (Incident):	122.6



Type:	Case Outcome
Details:	
Notes:	
MSQ Reference:	MSC2776-2021
DMS Container:	230/01190
Action Type:	Infringement
Jurisdiction:	National
Notice Type:	
Issue Date:	6/10/2021
Offence Date:	21/08/2021
Offence Time:	15:35
Offence Date (End):	
Offence Time (End):	
Offence Name:	(NATIONAL LAW - Section 18(4)) Breach duty to ensure safety of vessel, marine safety equipment and operations or to take reasonable care for safety of persons (master)
Location:	Inner Gneerings Shoal
Coordinates:	
Latitude:	-26.65208
Longitude:	153.183555
Agency:	Other
Officer Name:	MSI 132007/BROWN
Officers Region:	
Action Due Date:	
Finalised Date:	
Due Date Countdown:	
Status Indices:	1
Notes:	Infringement Notice INF01113
Days Since (Issue Date):	76.6
Days Since (Finalised Date):	
Days Since (Offence):	122.6



Role:	Subject Of
Details:	
Notes:	
Document Type:	Marine Incident Report
Document Title:	MSQ24986-2021 - MIR 01 - E18938
DMS Item No.:	E18938
Other Reference:	230/01190
Publish Date:	24/08/2021
Details:	
Embedded (Picture):	
Hyperlink:	
Document Text:	
Source Reliability:	B - Usually Reliable
Information Truth:	2 - Probably True
Notes:	

\*\*\*\*\* End of Report \*\*\*\*\*

Released under RTI - DTMR