

Marine Incident Investigation Report

Case Ref: MSC3323-2022

Date: 19/01/2023

To: Area Manager Gladstone (North)

Copy to

Prepared by: RODGERS, Christopher G

Category: 3

Subject: MSQ25327-2022 - [pers] - Collision with Submerged Object - Rosslyn Bay Marina - 31st July 2022

1. PURPOSE OF INVESTIGATION

To investigate a marine incident and possible breaches of TOMSA, and provide advice and recommendations on safety and/or policy issues.

2. SUMMARY OF MARINE / POLLUTION INCIDENT

31/07/2022, 12:15 PM. Collision with submerged object. Entrance to Rosslyn Bay Marina. On Sunday the 31st of July 2022, A New South Wales Recreational Registered Vessel [pers] hit a Submerged Object just prior to arrival at Rosslyn Bay Marina

3. SHIPS INVOLVED

Ship Name/Rego: [personal info]

Ship Type: Motor Boat

Ship Engine Type: Inboard Diesel

Ship Owner: [personal info]

4. MASTER OF SHIP (if applicable)

Ship Master: [personal info]

Licence details: Licence details not recorded

5. SUMMARY OF INVESTIGATION

On Monday the 25th of July the Gladstone MSQ office received an e-mail from Yeppoon Water Police Senior Constable [personal info] regarding the dredge operation at the Rosslyn Bay Marina. [pers] was concerned about the visibility of the dredge pipeline outside the harbour. [pers] advised the following: •That he had a discussion with the Rosslyn Bay Boat Harbour Controller Nick WALKER about placing signage at both boat harbour ramps with the details of the NTM along with photos as they appear in the NTM. •That WALKER stated that the operations manager for the dredging is organising more lights/buoys for the pipeline. •That he would arrange a Facebook post from Police on their Facebook page. •That he will go for a night run in the RHIB tomorrow to see what it looks like at night and he will take a photo of the operation. •That Yeppoon Coast Guard are broad casting the NTM after the weather reports. A short time later the Gladstone Regional Harbour Master John FALLON replied to [pers] advising that the pipeline from the breakwater to the spoil ground is supposed to be on the bottom, with the buoys marking the joints in the pipeline to ease recovery and maintenance. FALLON requested [pers] confirm whether the pipeline is on the bottom and confirm if "the buoys marking the pipeline from the Breakwater to the Spoil Ground are not yellow and lit by yellow lights"? On Tuesday the 26th of July [pers] sent an e-mail to the Gladstone MSQ office advising that he went for a drive that morning and that the pipeline was still at the surface along the entire length. He spoke to the dredge crew and they said that it should be on the bottom by that afternoon. [pers] advised that in the interim: •He has done up colour A3 laminated sheets of the NTM and attached them to confluence sheets. •That Rosslyn Bay Boat Harbour Controllers John BOYES and WALKER are going to attach them to posts at the top of both harbour boat ramps. •That he will also be giving laminated A3 copies to the Coastguard and Keppel Bay Marina to display. •That he will work on a QPS Facebook post and get that up today. •That BOYES suggested that there is some sort of Capricorn Coast Fishing group on Facebook, so he will attend the local fishing shops and see if they know who it is and perhaps get them to also do a post. •That he will come back in tonight and go for a run to see how it is lit. •That he saw that the dredge crew had additional yellow caution markers ready to install. •That once the pipeline is on the bottom, he would like to see those yellow markers (as per what is indicated on the NTM) to be installed every 100mtrs along the length of the pipeline in case it does float at some stage during the dredge operations. FALLON sent an e-mail to Hall Contracting Regional Manager [NR] shortly after informing [NR] of the concerns from [pers]. FALLON requested the following: •That the pipeline be submerged at the earliest possible time. •That in the meantime, there needs to be patrol of the area at night to advise mariners the pipeline is floating. •That the pipeline is marked at 100 metre

intervals as recommended. That his staff liaise regularly with the Boat Harbour Controller as well as QPS and the Coast Guard with respect to progress and the status of the pipeline and the dredge NR [redacted] replied to FALLONS e-mail stating the following: That they haven't commenced dredging yet, so the pipeline still has some air pockets in it. That all lights and anchor points are fitted as per NTM. That the air pockets will only be gone once they pump material through the pipeline. That for today they already have scheduled to install additional buoys, lights, and anchors so when they start up it will look a lot cleaner. That the Harbour Controller and Coast Guard are being kept up to date with their progress. Later that evening the Gladstone MSQ office received another e-mail from [redacted] stating the following: That he has just completed a run in the RHIB to inspect the dredging operation. That in his opinion, the marking and lighting of the pipeline out to the spoil ground appears adequate. That there seemed to be a flashing yellow light about every 100m. That there were certainly enough lights for even the inexperienced boatie to realise that they should change course and go around the lighting system. That it was too dark to see if the pipe was still on the surface, but he will assist to monitor their progress in the coming days. That the lighting on the actual dredge is compliant. That there are flashing yellow lights on top of the pipes between the dredge vessel and rock wall (inside the harbour). Later on, that evening NR [redacted] advised MSQ Gladstone via e-mail that: The pipeline has been connected. That the air has been purged out. That the pipeline is fully submerged on the seabed. That there are lit buoys (working, tested at 1800hrs tonight) every 100m and every second string an additional lit marker (50m). That a copy of the NTM has been printed and displayed at all public boat ramps for recreational vessels who don't have a VTS radio or access to online NTM broadcasting. That tomorrow it is intended to commence dredging operations of which the Coast Guard and Harbour Controller will be made aware personally. That if any queries or issues arise please don't hesitate to contact him directly. On Wednesday the 27th of July FALLON replied to NR [redacted] e-mail with the request that the buoys and lights marking the pipeline are checked regularly during the dredge campaign. NR [redacted] responded with "The requested inspections form a part of our daily hourly checks and we will report if there are any issues following these inspections. In return, it would be appreciated if our Site Engineer NR [redacted] NR [redacted] could be advised if there are any issues arising from the public directly so we can most actively address them as they occur". On Sunday the 31st of July 2022, Gladstone MSQ VTS received a phone call from NR [redacted] at Yeppoon Coast Guard. NR [redacted] informed MSQ VTS that a few hours ago a vessel hit the dredge sinker line in front of the Rosslyn Bay Marina. NR [redacted] instructed the skipper to submit a marine incident report. Shortly after MSQ received an e-mail from [redacted] who notified that a marine incident occurred outside Rosslyn Bay Harbour today at about 1300hrs. A vessel has struck the dredge pipe approximately 1km north of Rosslyn Bay Marina. The dredge pipe has floated to the surface (3 inches under the surface) over the weekend. Yeppoon Water Police Senior Constable [redacted] saw the owner at the Yeppoon Coastguard base and gave the owner a Marine Incident Report form to complete. Damage was caused to the vessel's propellers, but the vessel made its way back into the marina unassisted. The owner stated that was coming in from Lady Musgrave and didn't know about the NTM. [redacted] rang the dredge operations supervisor NR [redacted] and asked for him to inspect the pipe. NR [redacted] went out and said that the bad weather over the weekend has caused water to get into the pipe and float in a couple of sections, but there was nothing that he could do about it at the moment. NR [redacted] stated that the pipeline is still marked with buoys as per arrangements. On Monday the 1st of August Gladstone MSQ Marine Officer Chris RODGERS received an e-mail from Gladstone MSQ Marine Officer Trevor THOMSON informing RODGERS that THOMSON had spoken to FALLON about the incident this morning and FALLON requested that THOMSON & RODGERS deal with the Marine Incident Investigation and that FALLON is going to speak to the Dredge Contractor to ensure the pipeline is fully submerged. FALLON e-mailed NR [redacted] stating that "it is unacceptable that the pipeline is being allowed to float and the situation was not be identified through regular checks, with the situation rectified as soon as possible. Whether this occurs on a weekday, a weeknight or at any time on a weekend is immaterial. Going forward I require a strategy be put in place to mitigate the risks when the pipeline floats unexpectedly. I am not going to prescribe the mitigation but would expect that as a minimum: Either the pipeline is sunk as soon as the Company is aware it is floating, which from your email below, should be during the "daily hourly checks"; or If sinking is not possible the Company has vessels patrolling the pipeline advising mariners of the danger for as long as the hazard persists. Please call me if you have any queries about these safety requirements". MSQ Gladstone office received a completed Marine Incident Report from [redacted]. The Marine Incident Report advised MSQ that on arrival at Rosslyn Bay on Sunday the 31st of July [redacted] hit a semi submerged dredge pipe which has done major damage to the vessels propellers and [redacted] vessel is unseaworthy. [redacted] states the area is poorly marked; 3 red markers bunched within 5mtrs of each other and some very hard to see yellow markers. [redacted] also states that this area is a public risk and dangerous as it is marked. NR [redacted] responded to FALLONS e-mail with "We are currently investigating the root cause of the instance how/why the pipe could have re-floated, however please be assured we will share the mitigation measures and updated relevant procedure as soon as available. In the interim, we have executed the following controls: Install additional anchor blocks and lit marker buoys, especially at the near shore part of the pipeline. Ensure that there is material left in the pipeline prior to shut down. Hourly checks on the submerged line and action repairs where required. I can confirm that when there is any requirement to rectify a problem on the submerged line, we will address this as soon as it is noticed". On Tuesday the 2nd of August RODGERS sent a request to the MSQ Compliance Unit to obtain the full registration and licence details of the subject vessel, owner/master from the New South Wales Authority. On Wednesday the 3rd of August the MSQ Compliance unit replied with the registration and licence details. On Thursday the 4th of August MSQ Gladstone Marine Officers Robert EVANS and Tanya FERRIS Inspected the dredge pipeline and provided photos of the buoys that were marking it. EVANS is of the opinion that the lighting and buoys are sufficient but is concerned when the pipeline is on the surface. EVANS also advised that when they departed the marina there was no work boat and the sinker line was at the surface. RODGERS sent an e-mail to FALLON and the MSQ Gladstone North Area Manager Roderick WALMSLEY to provide an update of the situation along

with the photos of the dredge pipeline. On Friday the 5th of August RODGERS and THOMSON inspected the dredge operation at The Rosslyn Bay Marina. RODGERS and THOMSON observed that parts of the pipeline were at the surface and the work vessel was out at the end of the line. 6 to 7 yellow buoys were also observed along the pipeline running out from the rock wall. RODGERS took photographs of the pipeline and buoys. Hall Contracting Site Engineer NR [redacted] was onsite and advised that they were purging the line at the time. RODGERS reminded NR [redacted] of his requirement to have and carry out his mitigation plan when the pipeline was at the surface regardless of what time day or night it was. NR [redacted] stated that he understood this requirement. RODGERS and THOMSON also inspected the signage at both ramps and found them to be adequate. 3 signs were in place at the top of both boat ramps. RODGERS took photographs of the signage. On Tuesday the 9th of August RODGERS called [redacted] to discuss the Marine Incident. During this conversation [redacted] stated the following: •That he has been in contact with the contractor. •That he had repairs done to his vessel as his propellers were bent. •That he took the propellers off and took them to Brisbane for repairs. •That he rang Hall Contracting and advised them what he was doing. •That he intends to claim on Hall Contracting working Insurance. •That he put the propellers back on and steamed to Airlie Beach and the vessel has a vibration in it. •That he hit it at 12:15pm (Day Light Hours). •That there was 3 other persons on watch at the time of collision. •That there was 1.5m southerly swell. •That he couldn't see the yellow markers (very difficult to see). •That he did see a bunch of 3 red markers that were 3 to 4m apart, close to the rock wall that took their eye. •That it took their eyes off seeing the yellow buoy's. •That they were focused on the red markers and not the yellow buoys. •That our vessel draws 1.2mtrs. •That it was Sunday and there was no work boat in the area. •That he did not look at the NTM. •That he had been at Lady Musgrave for 2 days before and had no phone signal. •That the Rosslyn Bay Marina did not mention the dredge operation that was been under taken in the marina. •That they travelled half a mile north of the rock wall on the way in. •That he is not aware of NTM's. •That he did have photos of what he seen that he can provide. •That he has a photo of the vessels track that he took on arrival into Rosslyn Bay Marina. •That when we saw the red buoys, we were doing 15knts and slowed right down to 100rpm above idle, approximately 8knts. •That he went straight over the pipeline. •That after they hit the pipeline it was like "look at all the yellow buoys here, were did they come from". Also, during this phone call RODGERS advised the following: •That he would send a follow up e-mail to open lines of communication. •That on Tuesday the 26th of July Queensland Water Police Yeppoon have inspected the dredge pipeline lights and buoys and advised that they were adequate. •That on Thursday the 28th of July MSQ Officers inspected the pipeline and deemed the line was marked adequately. •That I went up to dredge site on Friday the 5th of August and spoke with the contractor and reiterated the fact that the dredge pipeline needs to be on the sea floor and if the off chance the pipeline does float, they need to have mitigation controls in place to prevent vessel colliding with the dredge line. (RODGERS sent [redacted] a follow up e-mail with the request to provide the following photo's: •Photos that he took of the buoy's marking the dredge pipeline after the collision. •Photos of the damage sustained to your vessel. •Photo of "Map" of vessel track upon arrival into Rosslyn Bay Marina. RODGERS received 3 e-mails replies from [redacted] which contained the above requested photo's, video and an article relating to the dredge operation. Later that afternoon RODGERS called [redacted] after RODGERS missed [redacted] call. During this conversation [redacted] stated the following: •That his mate's wife and his wife were returning home tomorrow. •That he has sent through a video, some photos and a marine article about Hall Contracting stating that the dredge pipeline would be submerged. •That "in one of the photos the 3 widest red markers that are within 5mtrs of each other and can't see any yellow markers, there's only 2 yellow markers there that are predominate". •That they were about half a mile of the rock wall and just followed the deepest water in. •That his wife's name is NR [redacted] and her contact phone number is NR [redacted]. •That NR [redacted] wife is NR [redacted] and her phone number is NR [redacted]. On Monday the 29th of August RODGERS called NR [redacted]. During this phone call RODGERS requested the risk management documents from Hall Contracting regarding the dredge pipeline and what mitigation controls are in place when the line floats to the surface. Also, during this phone call NR [redacted] advised the following: •That through the day they have vessels patrolling the pipeline. •That any time that they have lifted the line they advise the Yeppoon Coast Guard to put out a broadcast. •That they run a poly boat, it usually running up and down the pipeline. •That he'll investigate further and get back to RODGERS. •That as per the contract Hall's don't operate on a Sunday. RODGERS sent NR [redacted] a follow up e-mail with the above request. On Thursday the 15th of August RODGERS received an e-mail reply from NR [redacted] who advised that the crew have added additional blocks, buoys and lights to the pipeline in areas that were flagged as risks. They continue to do this if a risk occurs, whilst they also notify the Coast Guard, Keppel Bay Marina and the Regional Harbour Master. Attached to this e-mail was the dredge companies Risk Assessment for the dredge pipeline which included the mitigation controls that the company have in place for when the pipeline floats to the surface to prevent vessel traffic colliding with it. On Thursday the 8th of September RODGERS received the Hall Contracting Marine Execution Plan from WALMSLEY via e-mail. On Thursday the 29th of September RODGERS provided a brief overview of the incident and e-mailed this briefing to WALMSLEY. WALMSLEY the provided this briefing to the MSQ Compliance Unit Acting Manager Alain DE VILLIERS. On Friday the 30th of September RODGERS & WALMSLEY had an online SKYPE meeting with DE VILLIERS to discuss the Marine Incident. During this discussion RODGERS & WALMSLEY explained the incident to DE VILLIERS. DE VILLIERS advised RODGERS that a Record of Interview should be offered to [redacted] moving forward. On Friday the 14th of October RODGERS called [redacted] to offer a formal Record of Interview. During this conversation [redacted] stated the following: •That he would like to know where the pipeline was supposed to be, as when he left it wasn't in the same place as when he arrived. •That it went over the sea wall and the go out 100m or so and then go to sea, whereas when we came in it just ran straight along the shore for the whole 1.1 miles. •That we came in a 2m sea, and it was windy. •That I don't know whether it had floated right around and was running parallel to the shore or whether it should have come out over the sea wall, gone out then ran a little parallel and then out to sea. •That he spoke to the other princess guys, the guy who was running the tour of all the princess boats and he said

"[person] as soon as I seen some of those pink markers, I thought of you straight away, I veered off hoping that they would all follow but the last 2 boats didn't follow us, one of them went over it and didn't hit it but one of them went over it and hit it".•That it was certainly up and down wherever they were. •That he is happily volunteer to have a chat with us. •That that day there was big southerly swell rolling and there was a big southerly breeze. •That I'm thinking if it comes to the surface and it should have been going to sea, but it swung right around, I don't really know. •That I defiantly like to see how their pipe was supposed to be set out after it came out over the wall and went to sea. •That I had a good look at the NTM's and I couldn't find it. •That he lives in [NR] NSW. •That he is still with the boat on the Gold Coast until at least Monday but maybe Tuesday or Wednesday. •That one off his rear skegs is bent. •That when he put his props back on in Yeppoon there was a vibration in the starboard side. •That he has pulled the boat out again at the Gold Coast about a fortnight ago. •That he could always do facetime. •That if he was at home my wife could do it from home. •That if he were to leave the Gold Coast that he would be going home. Also, during this phone call RODGERS advised the following: •That the pipeline diagram was in the NTM. •That if he is still on the Gold Coast, we would use the MSQ Gold Coast Office to facilitate the ROI. •That we would sort it out closer to the time. •That RODGERS would send [person] a follow up e-mail. RODGERS requested [person] to respond in writing with an answer whether he accepts the Record of Interview or not. RODGERS then sent [person] a follow up e-mail which was a formal invitation for [person] to attend a Record of Interview. Attached to the e-mail was a Letter of Offer to attend the Record of Interview. On Thursday the 20th of October RODGERS received an e-mail reply from [person] who declined the invitation to participate in a record of interview. In this e-mail [person] stated the following: •That "I am still trying to have my boats damage done by halls dredging pipe repaired at moment at the boat works on Gold Coast, so won't be home for a while". •That "If you would like to email me your questions, I will happily answer them". On Monday the 14th of November RODGERS contacted the Compliance Unit to seek further advice. RODGERS had a conversation with Senior Investigations Officer Alain DE VILLIERS who requested RODGERS update all case files and send the compliance unit notification once this task has been completed so the compliance unit can review the case.

6. FINDINGS

As a result of investigations into this matter, it was confirmed that a collision did occur between the vessel [personal info] and the Hall Contracting dredge pipeline in front of the Rosslyn Bay Marina on Sunday the 31st July 2022. [personal info] was confirmed as the master of [person] at the time of this collision. It was determined that [person] failed to identify the risk of collision with the pipeline prior to the actual collision occurring. On this occasion, [person] was unaware of the published NTM that was in place for the dredge works that were being carried out at and in front of the marina. [person] was also unaware that the pipeline between the marina rock wall and the spoil ground was at or just below the surface in numerous places. It was also determined that the Hall Contracting failed to mitigate their risk as per their risk assessment as they do not operate on a Sunday, as a result no hourly checks were completed once the pipeline floated to the surface. As a result of investigations, it was determined that there is insufficient evidence to prove beyond a reasonable doubt, that [person] committed a breach of S.43 "General Safety Obligation" of TOMSA or Rule 5 "Lookout", Rule 6 "Safe Speed" and Rule 7 "Collision" of the ColRegs.

7. CONCLUSION / RECOMMENDATION

Due to the fact that no injuries occurred during this incident MSQ recommends the following: •That no further action be taken against any parties in relation to this matter. •That closure letters are to be forwarded to both parties. •That [person] closure letter is to educate him on the importance/relevance of NTM's and to remind him of his obligations under the ColRegs, specifically RULE 5, RULE 6 and RULE 7. •That Hall Contracting closure letter is to remind them of their obligations to implement control measures to mitigate the risk of vessel traffic colliding with the dredge pipeline.

8. CASE REVIEWED

Reviewed by Area Manager: 19/01/2023
Reviewed by Compliance Unit: N/A
Case Finalised: 19/01/2023