

Item

ITEM DETAILS

Item ID:	102938 - MOC	Item Type:	Email
Date Created:	18/01/2023	Project ID:	
Date Captured:	20/01/2023	Sub Project ID:	
Item Format:	Electronic	Other Reference:	
Circulation:	Internal	Copies Sent To:	
Subject:	Mail Memo - FW: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022 [SEC=OFFICIAL]		

Function Term:	MARINE SAFETY SERVICES	Activity Term:	INCIDENT INVESTIGATION
Container Title:	MSC3636 -MSQ25525 - DCV Bounty Hunter 10804QC - Hit person in water	Container ID:	230/04036 [1]

ACTIONS & OWNERSHIP

Author:	John M Downes	Corporate Author:	
Author Title / Position:	Area Manager	Complaint Classification:	
Business Unit:	Cairns		
Action Officer:			
Home Location:	Compactus - personal in	Last Movement Date:	20/01/2023

SECURITY & ACCESS

Security Classification:	OFFICIAL		
Security Access:	Unrestricted		

ADDITIONAL INFORMATION

Description / Additional Info:		

DOCUMENT CONTENTS

FW: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022 [SEC=OFFICIAL]

Subject FW: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022 [SEC=OFFICIAL]
From John.M.Downes@msq.qld.gov.au
To Ellen.C.Hatton@msq.qld.gov.au
Cc
Bcc
Sent 18/01/2023 7:38:16 AM
Attached



image001.png

image002.jpg

John Downes

Area Manager | Waterways Management (Cairns)

Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

Floor 1 | 100-106 Tingira Street | Portsmith Qld 4870

PO Box 1787 | Cairns Qld 4870

(07) 4052 7424 | M: [REDACTED]

NR

john.m.downes@msq.qld.gov.au

www.msq.qld.gov.au

www.tmr.qld.gov.au

From: [REDACTED]@amsa.gov.au>

Sent: Monday, 16 January 2023 12:52 PM

To: John M Downes <John.M.Downes@msq.qld.gov.au>

Cc: cairns@amsa.gov.au1 <cairns@amsa.gov.au>

Subject: RE: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022 [SEC=OFFICIAL]

OFFICIAL

G'day John,

I have further investigated this matter and the Owner and Master of the DCV observed –

- No dive flag 'alpha' was being displayed by the recreational vessel or on the spearfisher(s) surface dive buoys
- There was a third person on the recreational vessel that could have alerted (hand-signals or radio) the DCV to the presence of divers in the water – who were some distance away from their vessel
- They asked whether MSQ would be following-up with the recreational vessel Owner

I would like to investigate offences that may have been committed by the owner/master of the recreational vessel under the provisions of Marine Order 30, which gives effect to the Collision Regulations. Unfortunately Section 12 of Navigation Act 2012 provides that:

12 Provisions that give effect to various conventions

A provision of this Act that gives effect to a provision of:

(a) the Safety Convention; or

(b) the Prevention of Pollution Convention; or

(c) the Prevention of Collisions Convention (in relation to an area other than the high seas);

or

(ca) the Maritime Labour Convention;

does not apply in relation to a domestic commercial vessel, or a recreational vessel that has Australian nationality, when the vessel is in an area if:

(d) a provision of the Marine Safety (Domestic Commercial Vessel) National Law gives

effect to that provision of the Convention in relation to that vessel when it is in that area; or

(e) if paragraph (d) does not apply—a provision of a law of a State or the Northern Territory gives effect to that provision of the Convention in relation to that vessel when it is in that

area.

In this case I believe the incident occurred in an area to which the provisions of the Transport Operations (Marine Safety) Act 1994 applied (TOMSA). Section 211 of the TOMSA gives effect to the Collision Regulations.

As you are aware most of the provisions of the National Law do not apply to recreational vessels or Queensland Regulated ships. So unfortunately in this case the legislation precludes me from investigating whether the recreational vessel master/owner has breached the provisions of the collision regulations. In light of this barrier to me investigating this matter further, can you advise by return email if MSQ will conduct an investigation into the incident and provide AMSA with the outcome?

Regards.

personal informat

MARINE INSPECTOR
OPERATIONS | NORTH
AUSTRALIAN MARITIME SAFETY AUTHORITY

Suite 3 Level 2 88 Abbott Street Cairns QLD 4870
PO BOX 899, Cairns QLD 4870
p +61 7 3001 6891 | m [redacted] NR
e personal_i@amsa.gov.au | www.amsa.gov.au

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From: John M Downes <John.M.Downes@msq.qld.gov.au>

Sent: Monday, 5 December 2022 1:09 PM

To: [personal information@amsa.gov.au](mailto:personal_information@amsa.gov.au)

Subject: RE: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022 [SEC=OFFICIAL]

No sorry mate we have not followed up as no vessel involved the water police have his contact details I think

John Downes

Area Manager | Waterways Management (Cairns)

Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

Floor 1 | 100-106 Tingira Street | Portsmith Qld 4870

PO Box 1787 | Cairns Qld 4870

(07) 4052 7424 | M [redacted] NR

john.m.downes@msq.qld.gov.au

www.msq.qld.gov.au

www.tmr.qld.gov.au

From: [personal information@amsa.gov.au](mailto:personal_information@amsa.gov.au)

Sent: Monday, 5 December 2022 9:07 AM

To: John M Downes <John.M.Downes@msq.qld.gov.au>

Cc: cairns@amsa.gov.au1 <cairns@amsa.gov.au>

Suite 3 Level 2 88 Abbott Street Cairns QLD 4870
PO BOX 899, Cairns QLD 4870
p +61 7 3001 6881 | m [redacted] NR
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From: John M Downes <John.M.Downes@msq.qld.gov.au>
Sent: Tuesday, 22 November 2022 3:42 PM
To: [redacted]@amsa.gov.au <[\[redacted\]@amsa.gov.au](mailto:[redacted]@amsa.gov.au)>
Subject: FW: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022

FYI if it has not been reported to you guys
Cheers

John Downes
Area Manager | Waterways Management (Cairns)
Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

Floor 1 | 100-106 Tingira Street | Portsmith Qld 4870
PO Box 1787 | Cairns Qld 4870
(07) 4052 7424 | M: [redacted] NR
john.m.downes@msq.qld.gov.au
www.msq.qld.gov.au
www.tmr.qld.gov.au

From: VTS Cairns <VTS Cairns@msq.qld.gov.au>
Sent: Tuesday, 22 November 2022 12:34 PM
To: MSQ.IssuesAlert <MSQ.IssuesAlert@tmr.qld.gov.au>
Cc: RHM Cairns <Cairns.Maritime@msq.qld.gov.au>; VTS Cairns <VTS Cairns@msq.qld.gov.au>
Subject: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022

Good afternoon,

Please see attached - Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022

Regards

Michael Bunting

DUTY VTSO
Vessel Traffic Service Operator | Maritime Operations (Cairns)
Maritime Safety Queensland | Department of Transport and Main Roads

Floor 1 | Cairns - Portsmith Marine Operations | 100-106 Tingira Street | Portsmith Qld 4870
PO Box 1787 | Cairns Qld 4870
P: (07) 40527470 | F: (07) 40527460
M: [redacted] NR

E: vtscairns@msq.qld.gov.au
W: www.msq.qld.gov.au

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Released under RTI/DPM

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Author:	John M Downes	Corporate Author:	
Author Title / Position:	Area Manager	Complaint Classification:	
Business Unit:	Cairns		
Action Officer:			
Home Location:	Compactus personal in	Last Movement Date:	20/01/2023

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From: John.M.Downes@msq.qld.gov.au
To: Ellen.C.Hatton@msq.qld.gov.au
Cc:
Bcc:
Sent: 18/01/2023 7:31:03 AM
Attached:



image001.png

image002.jpg

'BOUNTY HUNTER' - AMSA Form 19 (25112022).PDF



MARINE INCIDENT- COMMERCIAL VESSEL BOUNTY HUNTER V RECREATIONAL DIVER.msg



Incident Report - Cairns - Recreational Diver hit by Recreational Fishing Vessel - 22.11.2022.msg

Can we discuss try to work out what to do with this

John Downes

Area Manager | Waterways Management (Cairns)

Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

Floor 1 | 100-106 Tingira Street | Portsmith Qld 4870

PO Box 1787 | Cairns Qld 4870

(07) 4052 7424 | M: [redacted] NR

john.m.downes@msq.qld.gov.au

www.msq.qld.gov.au

www.tmr.qld.gov.au

From: [redacted]@amsa.gov.au>

Sent: Tuesday, 17 January 2023 10:17 AM

To: John M Downes <John.M.Downes@msq.qld.gov.au>

Cc: cairns@amsa.gov.au1 <cairns@amsa.gov.au>

Subject: FW: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022 [SEC=OFFICIAL]

OFFICIAL

G'day John,

Background information as requested.

Regards.

[redacted]

MARINE INSPECTOR
OPERATIONS | NORTH
AUSTRALIAN MARITIME SAFETY AUTHORITY

Suite 3 Level 2 [88 Abbott Street Cairns QLD 4870](#)

[PO BOX 899, Cairns QLD 4870](#)

p +61 7 3001 6891 | m [redacted] NR

e [redacted]@amsa.gov.au | www.amsa.gov.au

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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.

From: [redacted]

Sent: Monday, 16 January 2023 12:52 PM

To: John M Downes <John.M.Downes@msq.qld.gov.au>

Cc: Cairns <Cairns@amsa.gov.au>

Subject: RE: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022 [SEC=OFFICIAL]

OFFICIAL

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I have further investigated this matter and the Owner and Master of the DCV observed –

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Regards.

personal informat

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AUSTRALIAN MARITIME SAFETY AUTHORITY

Suite 3 Level 2 88 Abbott Street Cairns QLD 4870
PO BOX 899, Cairns QLD 4870
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From: John M Downes <John.M.Downes@msq.qld.gov.au>

Sent: Monday, 5 December 2022 1:09 PM

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

Subject: RE: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022 [SEC=OFFICIAL]

No sorry mate we have not followed up as no vessel involved the water police have his contact details I think

John Downes

Area Manager | Waterways Management (Cairns)

Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

Floor 1 | 100-106 Tingira Street | Portsmith Qld 4870

PO Box 1787 | Cairns Qld 4870

(07) 4052 7424 | M: [redacted] NR

john.m.downes@msq.qld.gov.au

www.msq.qld.gov.au

www.tmr.qld.gov.au

From: [redacted]@amsa.gov.au>

Sent: Monday, 5 December 2022 9:07 AM

To: John M Downes <John.M.Downes@msq.qld.gov.au>

Cc: cairns@amsa.gov.au1 <cairns@amsa.gov.au>

Subject: FW: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022 [SEC=OFFICIAL]

OFFICIAL

G'day John,

Hope you're well mate.

I am inspecting/investigating Bounty Hunter this Wednesday.

Any update regarding the recreational vessel / parties involved ?

Regards.

[redacted]

MARINE INSPECTOR
OPERATIONS | NORTH
AUSTRALIAN MARITIME SAFETY AUTHORITY

Suite 3 Level 2 [88 Abbott Street Cairns QLD 4870](#)
[PO BOX 899, Cairns QLD 4870](#)
p +61 7 3001 6891 | m [redacted] NR
e personal.information@amsa.gov.au | www.amsa.gov.au

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From: personal.information@amsa.gov.au

Sent: Wednesday, 23 November 2022 8:55 AM

To: Guest John Downes (Maritime Safety Queensland) <john.m.downes@msq.qld.gov.au> personal.information@amsa.gov.au

personal.information@amsa.gov.au

Cc: Cairns <Cairns@amsa.gov.au>

Subject: RE: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022 [SEC=OFFICIAL]

OFFICIAL

Thanks John,

We have spoken to the Bounty Hunter owner and master. Have you managed to make contact with the recreational vessel master or owner. The initial information indicates that the recreational vessel was not displaying the diving flag and the divers were a far distance from their drifting vessel.

Regards

personal.information@amsa.gov.au

PORT MARINE SURVEYOR
OPERATIONS | NORTH
AUSTRALIAN MARITIME SAFETY AUTHORITY

Suite 3 Level 2 [88 Abbott Street Cairns QLD 4870](#)
[PO BOX 899, Cairns QLD 4870](#)
p +61 7 3001 6881 | m [redacted] NR
e personal.information@amsa.gov.au | www.amsa.gov.au

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From: John M Downes <John.M.Downes@msq.qld.gov.au>

Sent: Tuesday, 22 November 2022 3:42 PM

To: personal.information@amsa.gov.au; personal.information@amsa.gov.au

Subject: FW: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022

FYI if it has not been reported to you guys
Cheers

John Downes

Area Manager | Waterways Management (Cairns)

Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

Floor 1 | 100-106 Tingira Street | Portsmith Qld 4870

PO Box 1787 | Cairns Qld 4870

(07) 4052 7424 | M: [REDACTED] NR

john.m.downes@msq.qld.gov.au

www.msq.qld.gov.au

www.tmr.qld.gov.au

From: VTS Cairns <VTS Cairns@msq.qld.gov.au>

Sent: Tuesday, 22 November 2022 12:34 PM

To: MSQ.IssuesAlert <MSQ.IssuesAlert@tmr.qld.gov.au>

Cc: RHM Cairns <Cairns.Maritime@msq.qld.gov.au>; VTS Cairns <VTS Cairns@msq.qld.gov.au>

Subject: Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022

Good afternoon,

Please see attached - Issues Alert - Recreational Diver hit by Recreational Fishing Vessel - First and Last - 22.11.2022

Regards

Michael Bunting

DUTY VTSO

Vessel Traffic Service Operator | Maritime Operations (Cairns)

Maritime Safety Queensland | Department of Transport and Main Roads

Floor 1 | Cairns - Portsmith Marine Operations | 100-106 Tingira Street | Portsmith Qld 4870

PO Box 1787 | Cairns Qld 4870

P: (07) 40527470 | F: (07) 40527460

M: [REDACTED] NR

E: vtscairns@msq.qld.gov.au

W: www.msq.qld.gov.au

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INCIDENT REPORT

NOTE: This form must be sent to reports@amsa.gov.au by the Owner, Operator or Master within 72 hours of the incident. Find out more about incident reporting and your reporting obligations at <https://www.amsa.gov.au/marine-incident-reporting-0>
For pollution reporting, please visit <https://www.amsa.gov.au/marine-environment/marine-pollution/general-marine-pollution-reporting>

PART A: VESSEL INFORMATION

Vessel name		Flag
IMO number (if applicable)	Unique identifier (if applicable)	
Master		
Operator/Company name		
Responsible person		
Contact details		
Domestic commercial vessel (please tick if applicable)		
Class: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4		
Operational Area: <input type="checkbox"/> A <input type="checkbox"/> B Ext <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> C Rest <input type="checkbox"/> D <input type="checkbox"/> E		

PART B: INCIDENT DETAILS

Date	Time Local:	UTC:
Voyage From:		To:
Location description		
Lat	Long	
Weather		
Visibility <input type="checkbox"/> Good <input type="checkbox"/> Moderate <input type="checkbox"/> Poor <input type="checkbox"/> Unknown		
Number of Persons on board		
Crew:	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: _____

Occurrence Type (please tick as relevant)

<input type="checkbox"/> Injury	<input type="checkbox"/> Foundering/sinking/presumed lost
<input type="checkbox"/> Illness	<input type="checkbox"/> Listing/capsize
<input type="checkbox"/> Death	<input type="checkbox"/> Flooding
<input type="checkbox"/> Medical evacuation	<input type="checkbox"/> Fire/smoke
<input type="checkbox"/> Person overboard with lifejacket	<input type="checkbox"/> Loss of cargo/dangerous goods
<input type="checkbox"/> Person overboard without lifejacket	<input type="checkbox"/> Leakage/spillage of dangerous goods
<input type="checkbox"/> Equipment/machinery failure	<input type="checkbox"/> MARPOL issues
<input type="checkbox"/> Contact with something other than a vessel	<input type="checkbox"/> Near miss/Dangerous occurrence
<input type="checkbox"/> Collision with another vessel	<input type="checkbox"/> Other (specify below): _____
<input type="checkbox"/> Grounding	
<input type="checkbox"/> Damage	
<input type="checkbox"/> Disabled	

PART C: WHAT HAPPENED?

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

PART D: WHAT WERE THE CAUSES?

Please state why you think the incident happened?

PART E: WHAT ARE THE ACTION(S) TAKEN AS A RESULT OF THIS INCIDENT?

Please state what has been done or will be done to prevent this incident from reoccurring

PART F: ADDITIONAL COMMENTS AND/OR DRAWINGS

Include any documentation or photos on the incident

PART G: DETAILS OF PERSON COMPLETING THE REPORT

Name	Rank/Role
Contact details	Signature
Phone: _____	Email: _____ / /

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PART H: AFFECTED PERSON (if relevant)

Please complete the following for each affected person

Number of persons affected	Incident occurred while on duty? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Name	Gender	Australian resident? <input type="checkbox"/> Yes <input type="checkbox"/> No
Address	Nationality	Date of birth
Rank/role	Type of CoC / Licence / Grade	Seafarer ID/PIN
Hours on duty Time on: Time off:	Type of Injury or Illness	
Date left ship	Expected period of incapacity	
Treatment given		

Number of persons affected	Incident occurred while on duty? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Name	Gender	Australian resident? <input type="checkbox"/> Yes <input type="checkbox"/> No
Address	Nationality	Date of birth
Rank/role	Type of CoC / Licence / Grade	Seafarer ID/PIN
Hours on duty Time on: Time off:	Type of Injury or Illness	
Date left ship	Expected period of incapacity	
Treatment given		

Number of persons affected	Incident occurred while on duty? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Name	Gender	Australian resident? <input type="checkbox"/> Yes <input type="checkbox"/> No
Address	Nationality	Date of birth
Rank/role	Type of CoC / Licence / Grade	Seafarer ID/PIN
Hours on duty Time on: Time off:	Type of Injury or Illness	
Date left ship	Expected period of incapacity	
Treatment given		

Ellen C Hatton

From: [personal information]@police.qld.gov.au>
Sent: Wednesday, 23 November 2022 9:49 AM
To: [personal]@amsa.gov.au
Subject: MARINE INCIDENT- COMMERCIAL VESSEL "BOUNTY HUNTER" V RECREATIONAL DIVER

Hi Alan,

As discussed, below are the details of the injured diver the master of the rec vessel and vessel details for your info. Axon Body Worn Camera footage was ascertained initially by Port Douglas Police of [NR] I can get the footage if you require it.

Please see below details from incident today off Opal Reef.

Both BWC footage recorded of Port Douglas Police officers [personal information]

Time – 9.15-09.20am 22/11/2022
Location -16.13031 145.57669

[NR] – Doing about 14 knots, observed a diver float in the water, backed off and took out of gear. Saw the two free divers come up, reversed back, helped them on to the boat and tended to injuries. Chopper came out and winched injured party away.

[NR] – Was rigging up a fishing rod, heard the engines back off. Saw a float in the water, then saw two free divers break the surface. Assisted the injured party on the boat, [NR] cut away the float and lines.

[NR] on Bounty Hunter – [redacted]

2nd Vessel – [personal] – [redacted]

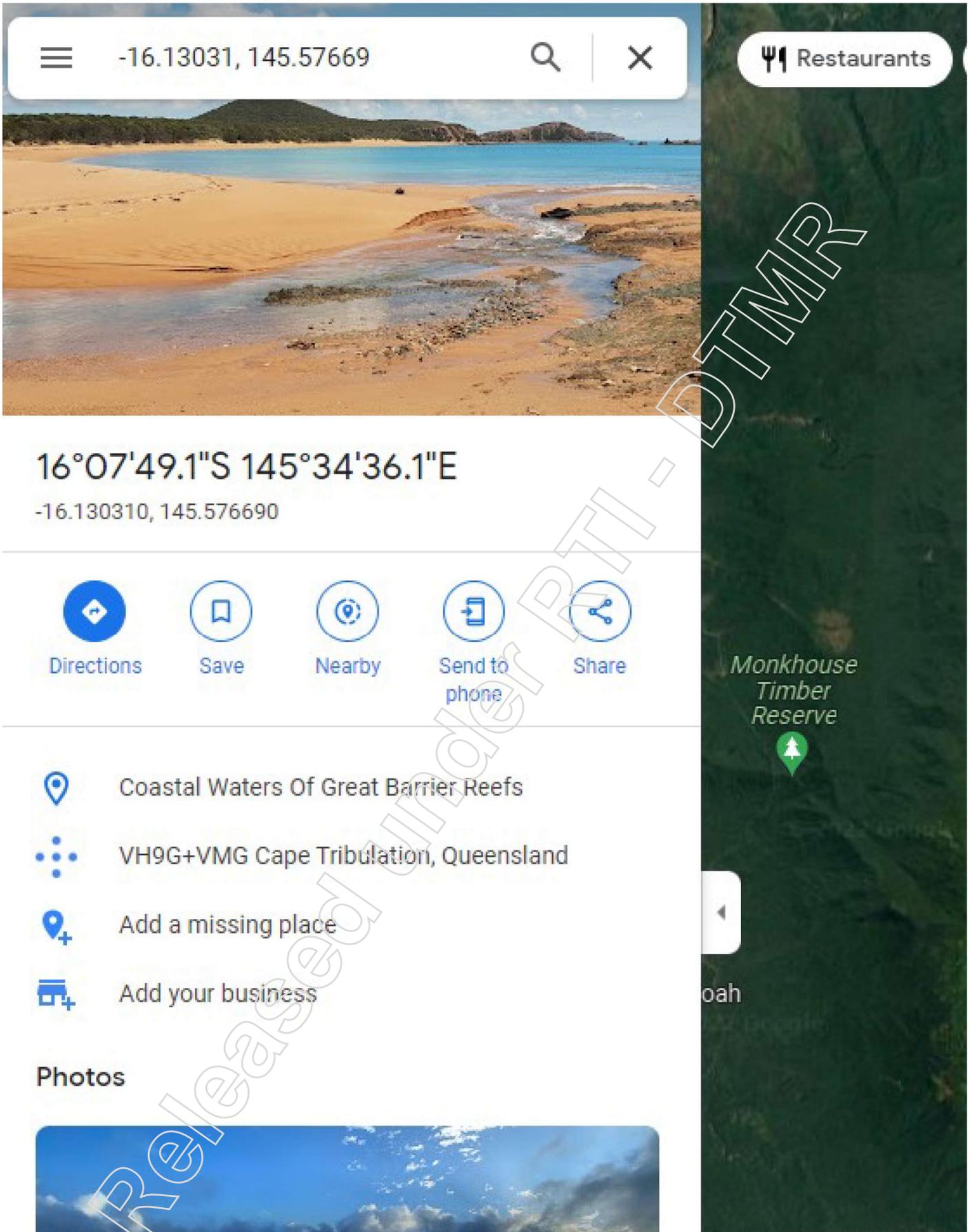
On vessel [personal] [redacted]

In water with injured party — [redacted]

[redacted] was approximately 15mtrs under water and saw the injured party kick off the bottom of the hull, then his arm get hit by the prop on the vessel "The bounty Hunter".

Injured party – [personal information]

Below map off google.



Any queries mate, you call reach us on our Water Police Duty Mobile [redacted]

Cheers



personal info Senior Constable, 18238

Water Police Officer
Water Police Cairns
Specialist Services Group
Operations Support Command
QUEENSLAND POLICE SERVICE

Contact phone 07 40507600 | 100-106 Tingira Street, Portsmith Q
4870

Email: personal info@police.qld.gov.au



Our values are at the core of who we are and what we do each day

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Released under RTI - DTMR

VTS Incident Report

TYPE:	Incident <input checked="" type="checkbox"/>	Event <input type="checkbox"/>	Defect <input type="checkbox"/>
AREA:	Reef VTS <input type="checkbox"/>	Port VTS <input checked="" type="checkbox"/>	Both <input type="checkbox"/>
NUMBER:	241 / 2022		
Region:	Cairns <input checked="" type="checkbox"/>	Townsville <input type="checkbox"/>	Mackay <input type="checkbox"/>
	Gladstone <input type="checkbox"/>	Brisbane <input type="checkbox"/>	
Reported By:	Name: 	Date - 22/11/2022	Time - 1045h
Callers Contact No			
VHF Channel/s			

VESSEL DETAILS

Ship Name	Bounty Hunter	IMO / Registration	
Flag		Callsign	
Next Port		DWT	
Vessel Type	Recreatuonal Fishing Boat	Cargo	
LOA		Draft	
Incident Location (physical)	IVO Tongue Reef off Port Douglas.		
	Latitude	16° 13.037 'S	Longitude
			145° 57.669 'E
Date/Time incident	22.11.2022 / 1045h	Nº of persons Involved	1
Is anyone injured?	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No		
Is life threatened?	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No		
Is there any pollution?	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No		
Pilot onboard?	<input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No		

INCIDENT

General	Shipping Casualty	NAS Provided
<input type="checkbox"/> SEARCH AND RESCUE	<input type="checkbox"/> GROUNDING	<input type="checkbox"/> SHALLOW WATER
<input type="checkbox"/> MEDICAL EMERGENCY	<input type="checkbox"/> COLLISION	<input type="checkbox"/> EXITED CORRIDOR
<input type="checkbox"/> POLLUTION	<input type="checkbox"/> FIRE	<input type="checkbox"/> CRITICAL TURN
<input type="checkbox"/> SECURITY INCIDENT	<input type="checkbox"/> MECHANICAL FAILURE	<input type="checkbox"/> EXITED DSA
<input type="checkbox"/> PILOTAGE INCIDENT	<input type="checkbox"/> NEAR MISS REPORTED	<input type="checkbox"/> OTHER

EVENT

Note: Pollution, Security Incident, requires a separate additional form to be submitted.

<input type="checkbox"/> NAVIGATION HAZARD	<input type="checkbox"/> UNIDENTIFIED VESSEL	<input type="checkbox"/> PLACE OF REFUGE
<input checked="" type="checkbox"/> OTHER – Recreational Fishing Vessel hit a Recreational Diver		

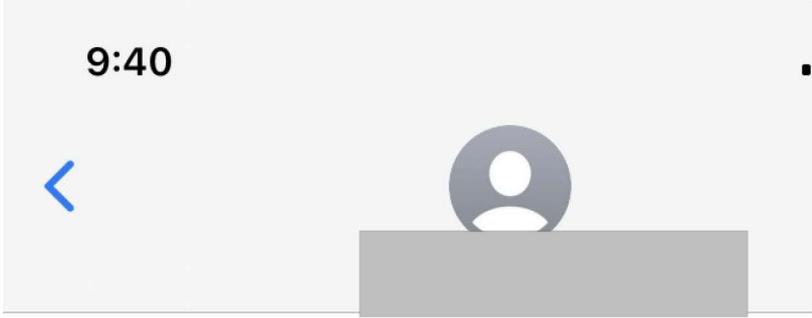
DEFECT

<input type="checkbox"/> STEERING GEAR	<input type="checkbox"/> BRIDGE EQUIPMENT	<input type="checkbox"/> INADEQUATE MOORING
<input type="checkbox"/> PROPELLER	<input type="checkbox"/> THRUSTERS BOW/STERN	<input type="checkbox"/> NAVIGATION EQUIPMENT
<input type="checkbox"/> ELECTRICAL/GENERATOR	<input type="checkbox"/> PILOT LADDER	<input type="checkbox"/> COMMUNICATIONS EQUIPMENT
<input type="checkbox"/> MAIN ENGINE	<input type="checkbox"/> STABILITY	<input type="checkbox"/> SUBSTANDARD CONDITIONS
<input type="checkbox"/> BRIDGE/ENGINE CONTROL	<input type="checkbox"/> PUMPING/COOLING SYSTEMS	<input type="checkbox"/> LIFESAVING / FIRE- EQUIPMENT
<input type="checkbox"/> CARGO DAMAGED/LEAKAGE	<input type="checkbox"/> MASTER / CREW COMPETANCE/ COMMUNICATION	



Person completing report:	Michael Buntingt	Date- 22/11/2022	Time-1045h	
Contact Details:	Phone	4052 7470	Email	vtscairns@msq.qld.gov.au

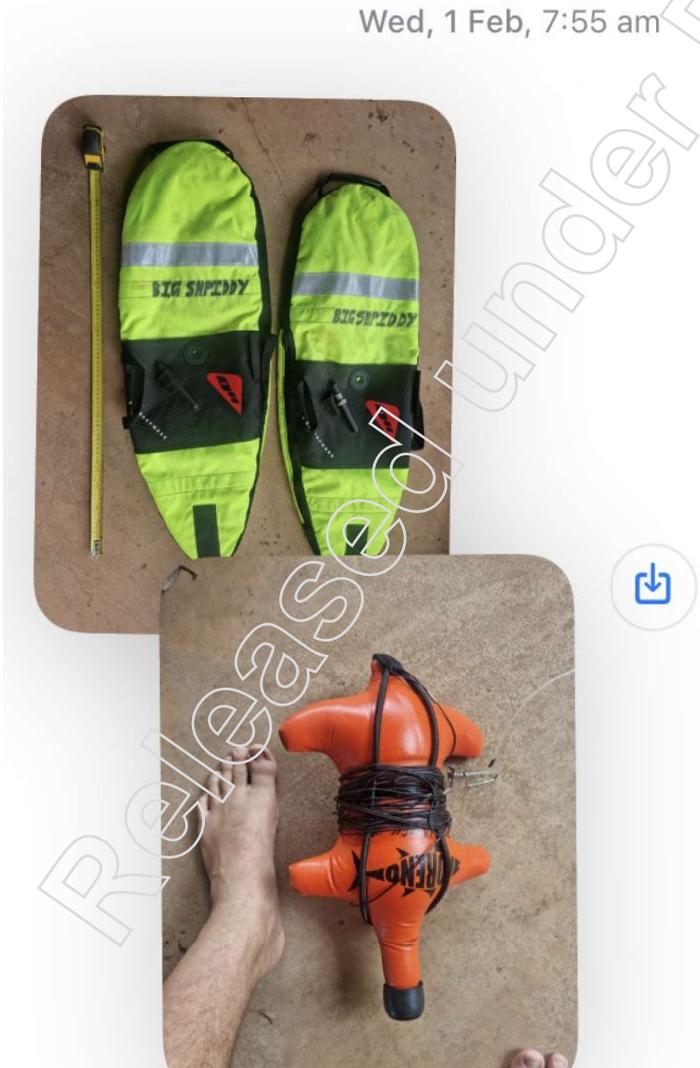
Released under RTI - DTMR



Text Message
Mon, 30 Jan, 3:11 pm

You missed a call, but the caller didn't leave a message.

Wed, 1 Feb, 7:55 am





Our ref 230/04036
Your ref MSC3636
Enquiries Ellen Hatton

Department of
Transport and Main Roads
Maritime Safety Queensland

02nd February 2023

personal information

Dear personal informa

I refer to the marine incident regarding a Domestic Commercial vessel and spear fisherman which you were involved on 22nd November 2022.

Maritime Safety Queensland (MSQ) is the government authority responsible for investigating marine safety incidents with recreational vessels. MSQ received advice regarding this Marine Incident from Australian Maritime Safety Authority (AMSA) to investigate the Recreational component of the incident.

I have carefully reviewed all the information, interviews and statements obtained by investigators relating to this incident and I appreciate your assistance in the information you have provided.

As you were engaged in spear fishing and not diving operations Maritime Safety Queensland has identified that nil offence has been committed by the recreational vessel and therefore no further action will be taken by Maritime Safety Queensland in relation to this incident and findings will be passed onto AMSA to assist with their investigation.

An Alpha Flag (Diver Flag) is an internationally recognised Flag that is blue and white that is used to signal that a vessel has a diver down and other vessels should keep well clear and at slow speed. Although not required to be displayed by the recreational vessel due to the activity undertaken it could have alerted the other vessel of your location. Please note it is recommended that in future you ensure that you are thoroughly identifiable when undertaking spear fishing activities with an active lookout close by to monitor movement in the area. From investigations it is understood that you had 1 x small orange float attached to you to attract fish and another 2 x green floats in the vicinity.

If you have any questions at all, please contact Marine Officer Ellen Hatton on 07 4052 7400

Yours sincerely /

Ellen Hatton
Marine Officer

Marine Incident Investigation Report

Case Ref: MSC3636-2023

Date: 02/02/2023

To: Area Manager Cairns
Copy to:
Prepared by: HATTON, Ellen C
Subject: Bounty Hunter Contact with person

Category: 5

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

22/11/2022, 09:15 AM. Non Marine Incident. .

3. SHIPS INVOLVED

Ship 1 Name/Rego: BOUNTY HUNTER 10804QC
Ship 1 Type: Motor Boat
Ship 1 Engine Type:
Ship 1 Owner: Owner not recorded

Ship 2 Name/Rego: person
Ship 2 Type: Motor Boat
Ship 2 Engine Type: Outboard
Ship 2 Owner:

4. MASTER OF SHIP (if applicable)

Ship 1 Master:
Licence details: Licence details not recorded

Ship 2 Master:
Licence details:

5. SUMMARY OF INVESTIGATION

This matter was reported to Maritime Safety Queensland (MSQ) Vessel traffic services department on 22nd December 2022 and an issues alert was sent and was tasked to the Cairns region for investigation. As the involved vessel was Domestic Commercial vessel MSQ passed the issues alert to Australian Maritime Safety Authority (AMSA) for investigation due to the jurisdiction. The marine incident involved a recreational spear fisherman being hit by a Domestic Commercial vessel resulting in significant injuries to the person in the water. AMSA conducted an investigation and concluded no offence had been committed and returned it to MSQ to ascertain possible breaches under the. Maritime Safety Queensland conducted investigations into the matter on the Recreational vessel.

6. FINDINGS

As a result of investigations into this matter it was determined no offence was committed. The Person in the water was involved in spear fishing and is not deemed as diving therefore a dive flag is not required to be displayed under the Transport Operations Marine Safety Act.

7. CONCLUSION / RECOMMENDATION

As a result of findings into this investigation, it is recommended that no further action be taken against any individual or organisation in relation to this matter. A letter to the spearfisherman recommending the use of a means of alerting vessels to his presence when freediving in navigable waters

8. CASE REVIEWED

Reviewed by Area Manager: 02/02/2023
Reviewed by Compliance Unit: N/A
Case Finalised: 02/02/2023

MSID RTI Case Report (MSC3636)



Case - MSC3636 - Case Finalised - Closed AM - Bounty
Hunter Contact with person

Case Reference	MSC3636-2023
DMS Container	230/04036
Subject of Case	Bounty Hunter Contact with person
Operation Name	
TOMSA	Yes
TOMPA	No
National	No
Category	5
Status	Case Finalised - Closed AM
Region (Lead)	Cairns
Investigator (Lead)	HATTON, Ellen C
Summary of Facts	<p>This matter was reported to Maritime Safety Queensland (MSQ) Vessel traffic services department on 22nd December 2022 and an issues alert was sent and was tasked to the Cairns region for investigation.</p> <p>As the involved vessel was Domestic Commercial vessel MSQ passed the issues alert to Australian Maritime Safety Authority (AMSA) for investigation due to the jurisdiction.</p> <p>The marine incident involved a recreational spear fisherman being hit by a Domestic Commercial vessel resulting in significant injuries to the person in the water.</p> <p>AMSA conducted an investigation and concluded no offence had been committed and returned it to MSQ to ascertain possible breaches under the.</p> <p>Maritime Safety Queensland conducted investigations into the matter on the Recreational vessel.</p>
MSQ Attended	No
MSQ Officer/s	
MSQ Contact No.	
QPS Attended	No
QPS Officer/s	
QPS Contact No.	
QAS Attended	No
QAS Officer/s	
QAS Contact No.	
QBFP Attended	No
QBFP Officer/s	
QBFP Contact No.	
Other Agencies	No
Other Agency Officers	
Other Agency Contact/s	
Case Assigned	19/01/2023
Case Accepted	19/01/2023
Expected Days to Complete	182
Completion Due Date	20/07/2023
Case Complete	2/02/2023
Case Checked (AM)	2/02/2023
Case Closed - Prosecution	
Case Closed - Admin Action	
Case Closed - AMSA	
Case Closed - Coroner	
Case Closed (CU)	
Case Closed - Finalised (AM)	2/02/2023

Case Closed - Finalised (CU)	
Review Action Required	No
Review Action Completed	No
Conclusion	As a result of findings into this investigation, it is recommended that no further action be taken against any individual or organisation in relation to this matter. A letter to the spearfisherman recommending the use of a means of alerting vessels to his presence when freediving in navigable waters
Finalised - NFA	No
Finalised - Education	Yes
Finalised - Formal Warning	No
Finalised - Infringement	No
Finalised - Prosecution	No
Finalised - Administrative	No
Total Hour of Effort	3.2
Notes	
Refer for CU Action	No
Findings	As a result of investigations into this matter it was determined no offence was committed. The Person in the water was involved in spear fishing and is not deemed as diving therefore a dive flag is not required to be displayed under the Transport Operations Marine Safety Act.

Role	Witnessing Ship
Ship Unit	02
Ship Damage/Loss	
Ship Registration Type	Recreational
Details	
Notes	
Ship Type	Motor Boat
Ship Name	
Ship Registration	personal
Former Names	
Previous Registration	
Make/Model	6.4M FORMULA F21 OPEN/DINGHY/RUNABOUT FIBREGLASS (GPR)
Length (m)	6.4
Beam (m)	2.4
Year Built	2007
Hull Material	Fibreglass/GRP
Primary Colour	White
Power Description	250hp
Number of Engines	1
Engine Type	Outboard
Total Kilowatt Power	186.5
Total Horse Power	250
Identification Number (HIN/SIN)	AUFPB01521H707
Notes	

Role	Involved Ship
Ship Unit	01
Ship Damage/Loss	
Ship Registration Type	
Details	
Notes	

Ship Type	Motor Boat
Ship Name	BOUNTY HUNTER
Ship Registration	10804QC
Former Names	
Previous Registration	
Make/Model	
Length (m)	
Beam (m)	
Year Built	
Hull Material	
Primary Colour	
Power Description	
Number of Engines	
Engine Type	
Total Kilowatt Power	
Total Horse Power	
Identification Number (HIN/SIN)	
Notes	



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



Role	NR
Ship Unit	
Injury Status	
Details	
Notes	
Customer Reference No.	
Family Name	
First Name	
Middle Names	
Gender	
Date of Birth	
Place of Birth	
Nationality	
ATSI	
Also Known As	
ABN	
Photograph	

Full Name	NR
Email	
Business Phone	
Mobile Phone	
Other Phone	
Home Phone	
Notes	



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

Role	Other
Ship Unit	02
Injury Status	Serious Injury
Details	Involved in Speer fishing
Notes	
Customer Reference No.	
Family Name	personal info
First Name	
Middle Names	
Gender	
Date of Birth	
Place of Birth	
Nationality	
ATSI	
Also Known As	
ABN	
Photograph	
Full Name	
Email	
Business Phone	
Mobile Phone	personal info
Other Phone	
Home Phone	
Notes	

Notes	
-------	--

Type	Data Entry
Task Title	Data Entry
Status	Task Complete
Task / Entry Date	19/01/2023
Task / Entry Time	13:00
Assigned / Recorder	HATTON, Ellen C
Region	Cairns
Hours of Effort	2
Due Date	
Days to Due Date	
Status Indices	1
Task Description (Running Sheet)	Data entry
Completed Date	19/01/2022
Notes	

Notes	
Type	Enquiry
Task Title	Contact WH&S
Status	Task Complete
Task / Entry Date	19/01/2023
Task / Entry Time	10:27
Assigned / Recorder	DOWNES, John M
Region	Cairns
Hours of Effort	0.2
Due Date	
Days to Due Date	
Status Indices	1
Task Description (Running Sheet)	Contact [redacted] NR [redacted] to seek advice on definition of a diver - Confirmed that Diver does not include snorkeler or spear fisherman.
Completed Date	19/01/2023
Notes	

Notes	
Type	Running Sheet Entry
Task Title	Attempt to call injured for version of events - nil answer
Status	Task Complete
Task / Entry Date	30/01/2023
Task / Entry Time	12:21
Assigned / Recorder	HATTON, Ellen C
Region	Cairns
Hours of Effort	
Due Date	
Days to Due Date	
Status Indices	1
Task Description (Running Sheet)	Attempt to call [redacted] Nil answer
Completed Date	30/01/2023
Notes	

Notes	
Type	Enquiry
Task Title	Contact injured person [redacted]
Status	Task Complete
Task / Entry Date	30/01/2023
Task / Entry Time	15:19
Assigned / Recorder	HATTON, Ellen C
Region	Cairns
Hours of Effort	1
Due Date	
Days to Due Date	

Status Indices	1
Task Description (Running Sheet)	tried to call pers on 30/01/2023 at 12:21 - returned called missed at 3:11pm called him back at 3.19 and had a 20 minute conversation and got his version of events. Confirmed was engaged in Spear fishing - no tanks - Not diving therefore not require to display dive flag. Sent 2 x photos through on 01/02/2023 of floats that he was using - Green floats x 2 were inflated on the day and tied together. The orange floa was held next to his head on the surface while jigging the line attached up and down to try and attract fish.
Completed Date	1/02/2023
Notes	

Type	Case Trigger
Details	
Notes	
Marine Incident No.	MSQ25525-2022
Incident Type	Marine Incident
Date	22/11/2022
Time	09:15:00:ttt
Caseman ID	
Incident Report Details	
Water Type	Beyond Partially Smooth
Coordinates	
Latitude	-16.2219166667
Longitude	145.9574333333
Location Name	
Region	Cairns
Weather Conditions	Cloudy
Visibility Conditions	Good
Water Conditions	Choppy
Swell Height (m)	
Wind Speed	Moderate (7 - 15 kts)
Wind Direction	South East
Type of Marine Incident	Non Marine Incident
Incident Consequence	Grievous bodily harm (Hospital admission)
Public Interest	Likelihood of civil litigation
Highest Ship Class	Recreational
Compliance Weighting	0
Weighting Reason	
Original Rating Score	14
Final Rating Score	14
Category	5
Fatalities (No.)	0
Injuries - Serious (No.)	1
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	0
MR-C Value	10
MR-PI Value	4
Days Since (Incident)	140.6

Role	Subject Of
Details	
Notes	
Document Type	Marine Incident Report
Document Title	Incident Report - AMSA Form 19
DMS Item No.	102939-MOC
Other Reference	

Publish Date	25/11/2022
Details	
Embedded (Picture)	
Hyperlink	
Document Text	
Source Reliability	Not Evaluated
Information Truth	Not Evaluated
Notes	



Role	Subject Of
Details	
Notes	
Document Type	Other
Document Title	Closure letter
DMS Item No.	E103032-MOC
Other Reference	
Publish Date	2/02/2023
Details	
Embedded (Picture)	
Hyperlink	
Document Text	
Source Reliability	Not Evaluated
Information Truth	Not Evaluated
Notes	

Released under RTI - DTMR