

### **Maritime Safety Queensland**

### **Investigation Running Log**

Marine Incident	MSQ24627	
Number	Case Investigation MSC2126	
Lead Investigator	Brett Williams	
		<u>`</u>

		I	<u> </u>	$\overline{\qquad}$	
Date	Time	Officer	Details		
5/11/20	1056	BW	Email received	requesting assistance with referral	
			of Marine Incident 12pm 5/9/20 and fail to report		
5/11/20	1130	BW	Email	requesting particulars of any witnesses	
5/11/20	1410	BW	Email received	advising only witnesses on board	
			were children		
26/11/20	0710	BW	Obtain TICA lice	ense and registration details and	
			Confir	rmed registered and licensed at time	
26/11/20	0715	BW	Confirmed no ma	arine offence history recorded in TICA	
26/11/20	1119	BW	Called number p	provided for to attempt to arrange	
			interview. No ans	swer message left requesting call back,	
			recorded.	<i>y</i>	
26/11/20	1142	BW	Return call receive	ived Arranged to attend	
			0.0	conduct ROI Wednesday 2/12/20 1000 hours	
30/11/20	0830	BW	Prepare for inter-	rview 2/12/20	
2/12/20	0700	BW	Obtain boat spec	cs and layout from Cruisecraft website.	
			Obtained extracts of beacon to beacon charts to identify		
			incident location	1	
2/12/20	0940	BW (	Attended		
			Conducted ERO	I with	
2/12/20	1330	BW/	Contacted	PI and	
	(	7/7	obtained a recorded version of events in relation to the incident		
	Š		and injury to	PI .	
4/12/20	7/1/	ВW	Draft MPIIR and	l closure letter	
7/12/20		BW	Finalise MPIIR a	and email to B Philp for endorsement	
8/12/20	0720	BW	Mail letter and U	JSB containing copy of EROI to	
8/12/20	0757	BW	Email MPIIR to		
8/12/20	0815	BW	Update, close an	nd finalise MSID case investigation	

15 January 2021
C:\Users\alroman\AppData\Local\Temp\1\notes3D327E\MSQ Running Log

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### MSID RTI Case Report (MSC2126)



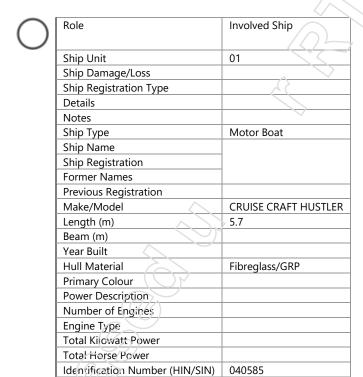
 ${\sf Case - MSC2126 - Case \ Finalised - Closed \ CU - Operational}$ 

error - hit other ship's wake

Case Reference	MSC2126-2020
DMS Container	
Subject of Case	Operational error - hit other ship's wake
Operation Name	
TOMSA	Yes
TOMPA	No
National	No
Category	5
	Case Finalised - Closed CU
Status	
Region (Lead)	Compliance Unit
Investigator	WILLIAMS, Brett J
(Lead)	
Summary of	was traveling in the Broadwater off South Stradbroke Island at
Facts	about 12pm on Saturday 5 September 2020, when he has hit another vessel's wake. This has
	caused PI to fall forward and hit her mouth. As
	a result PI has broken her front adult tooth almost at the base which required her to attend
	a dentist to have a cap inserted over the tooth.
	Investigations revealed that there was insufficient evidence to substantiate that a marine incident
	occurerd as defined in TOMSA with Marine Incident recategorised as a Cat 5 non-marine incident.
MSQ Attended	No
MSQ Officer/s	
MSQ Contact	
No.	
QPS Attended	No
QPS Officer/s	
QPS Contact No.	
QAS Attended	No A (V/X)
QAS Officer/s	
QAS Contact No.	
QBFP Attended	No
QBFP Officer/s	110
QBFP Contact	
No.	
Other Agencies	No
	NO NO
Other Agency Officers	
Other Agency	
Contact/s	12/11/2020
Case Assigned	12/11/2020
Case Accepted	26/11/2020
Expected Days to	162
Complete	
Completion Due	13/05/2021
Date	/
Case Complete	8/12/2020
Case Checked	8/12/2020
(AM)	<u>/</u>
Case Closed -	
Prosecution	
Case Closed -	
Admin Action	
Case Closed -	
AMSA	
Case Closed -	
Coroner	
Case Closed (CU)	8/12/2020
Case Closed -	
Finalised (AM)	

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



Owner / Master
01

Notes

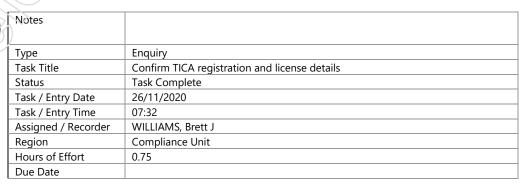
15/01/2021 11:10:26 AM Page 2

TICA

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

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

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



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

Notes		
Туре		Enquiry
Task Title		Offer EROI
Status		Task Complete
Task / Entry Date		1/12/2020
Task / Entry Time		11:02
Assigned / Recorder		WILLIAMS, Brett J
Region		Compliance Unit
Hours of Effort		0.5
Due Date		
Days to Due Date		
Status Indices		1
Task Description (Rui	nning Sheet)	
Completed Date	ining sheet)	26/11/2020
Notes		20/11/2020
Notes		
Notes		7
Notes		
_		
Туре		Conduct Interview
Task Title		EROI
Status		Task Complete
Task / Entry Date		2/12/2020
Task / Entry Time		13:22
Assigned / Recorder		WILLIAMS, Brett J
Region		Compliance Unit
Hours of Effort		4.5
Due Date		
Days to Due Date		
Status Indices		1
Task Description (Rui	nning _	2/12/20 EROI conducted at
Sheet)		
Completed Date		2/12/2020
Notes		
Notes		
	1)	
Туре	Statement I	Preparation
Task Title	Obtain vers	
Status	Task Comp	
Task / Entry Date	2/12/2020	
Task / Entry Time	13:45	Do-th I
Assigned /	WILLIAMS,	, вгетт Ј
Recorder	C- "	11-4
Region	Compliance	Ce Unit
Hours of Effort	0.25	
Due Date		
Days to Due Date		
Status Indices	1	
Task Description	2/12/20 Ca	
	recorded ve	version from PI regarding incident. Actually did not wintnes
(Running Sheet)		
		nd advised as told by PI
(Running Sheet)  Completed Date	incident and 2/12/2020	

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

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

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

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

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

Туре	Case Trigger	
Details	The vessel utilised was a 1989 Cruise Cra	oft F 7m bounder (Old ros
Notes	The vessel utilised was a 1909 Chaise Ch	ait 5.7111 bownder (Qid reg.
Marine Incident No.	MSQ24627-2020	
	Marine Incident	
Incident Type	5/09/2020	
Date Time		
Caseman ID	12:00:00:ttt	
	was trav	eling in the Broadwater off South
Incident Report Details	Stradbroke Island at about 12pm on Sat	
	has hit another vessel's wake. This has of	
		d and hit her mouth. As a result
		oth almost at the base which require
	her to attend a dentist to have a cap ins	
Matar Typa	Smooth	erted over the tooth.
Water Type	SITIOOUT	
Coordinates		<del>}</del>
Latitude		Y
Longitude		
Location Name	Broadwater off South Stradbroke Island	
Region	Brisbane (South)	
Weather Conditions	Clear	
Visibility Conditions	Good	
Water Conditions	Calm	
Swell Height (m)		
Wind Speed	Moderate (7 - 15 kts)	
Wind Direction	North East	
Type of Marine Incident	Non Marine Incident	
Incident Consequence	Injury (no nospital admission)	
Public Interest	Public interest unlikely	
Highest Ship Class	Recreational	
Compliance Weighting	0	
Weighting Reason	No evidence of marine incident	
Original Rating Score	4	
	4	
Final Rating Score	5	
Category  Fatalities (No.)	<del></del>	
Fatalities (No.)	0	
Injuries - Serious (No.)	0	
Injuries - Minor (No.)	0	
Minor Damage (Ships)	0	
Moderate Damage (Ships)	0	
Major Damage (Ships)	0	
Lost Ships	0	
Pollution Category	V	
Poliution Source		
Pollutant		
Pollution - Extent (Length)		
Pollution - Extent		
(Width)		
Pollution - Extent (Area)		
Pollution - Extent (Area)		
(Volume)		
Pollution - Discharge	No	
Been Stopped?		
Pollution - Photos	No	
Taken	· · -	

Pollution - Video Taken	No
Pollution - Samples	No
Taken	INO
Pollutions - Samples Taken By	
	MSQ
Pollution - Statutory Authority	MSQ
Pollution - Combat	MCO
Authority	MSQ
	<u> </u>
Pollution - Response Brief	
Notes	
(H-N1) Failure to	No
comply with ColRegs	INO
(H-N2) Insufficient	No
voyage planning	TVO
(H-N3) Excessive Speed	No
(H-N4) Navigation Error	No
- Other	
(H-P5) Inadequate	No
training	
(H-P6) Inappropriate	No //
instructions to crew	
(H-P7) Communications	No
Failure	
(H-P8) SMS Failure	No
(H-O9) Inattention	Yes
(H-O10)	No No
Inexperience/lack of	140
knowledge	
(H-O11) Bridge Watch	No
keeping failure	140
(H-O12) Insufficient	No
crew numbers	
(H-O13) Mooring	No
Failure	
(H-O14) Insufficient	No
maintenance	
(H-O15) Overloading	No
(H-O16) Operational	No
error - other	
(M-V1) Bridge or	No
Navigation Failure	
(M-V2) Electrical system	No
failure	
(M-V4) Propulsion	No
system failure	
(M-V5) Hull Breach	No
(M-V6) Equipment	No
failure - other	
(M-V7) Fuel or gas leak	No
(M-DC8) Inadequate	No
stability - shifting cargo	
(M-D9) Inappropriate	No
hull/equipment -	
Construction	
(M-DC10) Inappropriate	No
hull/equipment - design	
(M-DC11) Vessel	No
construction failure -	
other	
(M-SS12) Shore	No
structure design	
(M-SS13) Shore	No
structure maintenance	

(M-SS14)	No
Gangway/Boarding	
Ladders	
(E-H15) Floating or	No
Submerged object	
(E-H17) Hazardous	No
waters - uncharted	
hazards	
(E-H16) Wash of	No
passing vessel	
(E-H18) Hazard - other	No
(CF1) Insufficient safety	No
equipment	110
(CF2) Tidal conditions	No
(CF3) Bar conditions	No
(CF4) Hazardous season	No
(cyclones etc)	NO CONTRACTOR OF THE PROPERTY
(CF5) Hazardous waters	No
- obstructions	
(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 No
(CF13) Failure to wear lifejackets	No
(CF14) Failure to wear	No
engine kill lanyard	NO
MD T Value	
MR-T Value	0
MR-C Value	4
MR-C Value MR-PI Value	4 0
MR-C Value MR-PI Value	4 0

From: **Brett J Williams** To: Cc: Subject: FW: Alleged failure to report marine incident - CONFIDENTIAL Date: Tuesday, 8 December 2020 7:56:00 AM Attachments: image002.jpg Marine & Pollution Incident Investigation Report.pdf 201204 Closure Letter MSC2126 signed.pdf Importance: Good morning have completed my investigation into the In relation to the below request from incident and alleged failure to report a marine incident by Please see attached a copy of the investigation report, and the closure letter sent to this morning for you information. If you have any questions or wish to discuss please don't hesitate to contact me. Kind Regards, **Brett Williams** Manager (Compliance) | Policy, Planning & Regulation Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads Floor 2 | 61 Mary Street | Brisbane Qld 4000 PO Box 2595 | Brisbane Qld 4001 (07) 3066 3939 | M: NR brett.j.williams@msq.qld.gov.au www.msq.qld.gov.au www.tmr.qld.gov.au From: Sent: Thursday, 5 November 2020 10:56 AM To: Brett J Williams < Brett.J.Williams@msq.qld.gov.au> Cc Subject: Alleged failure to report marine incident - CONFIDENTIAL **Importance:** High Brett, As discussed yesterday is alleged to have failed to report a marine incident that he was involved in in his personal vessel. This forms part of an internal investigation being conducted by nto the actions of As MSQ are usually the lead agency in investigating this type of incident, I wish to refer this alleged failure to report to your agency. The information received was the was traveling in the Broadwater off South Stradbroke Island at about 12pm on Saturday 5 September 2020, when he has hit another vessel's wake. This has caused PI to fall forward and hit her mouth. As a result has broken her front adult tooth Ы

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

I have spoken to who occurred as he slowed do minor so didn't report it, is incident and was aware of could provide no reasonal incident. stated that have the tooth repaired.	out admitted upon f his obligations to ble excuse for faili	esh. stat reflection nov report this in ng to do so if t	ed that he thoug w that he though accordance with his is in fact deen	ht the injury was t it was a marine the TOMSA.
		He holds con	nmercial qualifica	ations as a Master 5
and MED 2. He is also		Т	he vessel utilised	was a 1989 Cruise
Craft 5.7m bowrider (Qld	reg. wh	ich is registere	ed to	ontact number is
As discussed, I am trying t internal perspective, we d that this matter is dealt w	lo have some time	frames aroun		From an
If you have any questions	please let me kno	w. (2		
Regards,				



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Our ref MSC2126 Your ref MSC2126 Enquiries Brett Williams

Department of Transport and Main Roads

7 December 2020

Dear

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

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

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

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

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

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

Thank you for your interest in marine safety.

Yours sincerely

Brett Williams

Manager (Compliance)

Maritime Safety Queensland

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

Website www.tmr.qld.gov.au
Email brett.j.williams@msq.qld.gov.au

ABN 39 407 690 291

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# Marine & Pollution Incident Investigation Report

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

Marine incident investigation report Form F3072 ES v04 Sep 2013 Page 1 of 8

### Summary

Regional office: Compliance Unit	DMS File No:				
Incident date: 05/09/2020 Time of incident: Afternoon Date reported:					
Category: Category 4 Incident type	: Onboard Incident—	-Other Onboard Injury			
MSQ attended: Officers attending:		Contact No:			
QPS attended:  Officers attending:		Contact No:			
QAS attended:  Officers attending:		Contact No:			
QBFP attended: Officers attending:	1177	Contact No:			
Aquatic event: (copy of permit attached)	4				
Evidence		dd evidence Remove evidence			
Restitution Nil Example: costs of oil response, damage to beacons, total cost of repair	rs and so on (attach quotes	/invoices to report)			
Location					
Body of water / landmark: Broadwater, Gold Coast					
Latitude:27.8610  Latitude & longitude must be recorded in decimal format for entry into	Longitude: 153.400 or the CaseMan system. All C				
format must be converted to decimal degree format for entry. For exa	mple 16°30'S would becom	e -16.5000 degrees.			
Waters: Smooth waters (incl. tidal rivers & creeks)					
Conditions					
Weather: Clear	Visibility: Good				
Water: Calm Wind: Moderate (force 3-4 / 7-15 knts)					
Tide: Unknown					
Pollution					
Source Ship: Land: Unknown: Pollutant Sheen: Diesel: Bilge:	HFO: ☐ Other:				
Extent Special Diesel. Blige.	or				
Size of slick (length and width in metro	l	itres			

Marine incident investigation report

Form F3072 ES v04 Sep 2013

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### Ships involved

Add ship

Remove last ship

Ship 1.						
Ship name :						
Owners name:						
Owners address:						
Ship type:	Recreational		Ship class:	ecreational		
Ship description:	5.7m Cruise	craft Hustler Bowride	er			>
Reg no:		E	Boat mark:			RUF:
Registering authority	: TMR		Port of re	gistry:	<del>\</del>	
Registration expiry:	03/12/2021					
Length (in metres):	5.7	Beam (in metre	s): 2	Con	struction:	Fibreglass
Engine type:	Outboard		No. of engine	es: 1	Total pov	ver (kW): 111.8
Last monitoring date	•	Written dire	ction:			
Previous incidents:	Nil					
Master of ship	1.					
Masters name:			Place	of birth:		
Masters address:					Date of	birth:
Home phone:		Mobile phone:		Work	phone:	
Email address:			Statemer	nt/ROI: 🛚	Coerciv	e powers used:
Marine licences: RMI	DL, PWCL, Master	<24m NC				
Add deceased	Add deceased or injured persons on ship 1.  Remove inj. person  Remove inj. person					Remove Inj. person
Add crew on ship 1.  Add crew  Remove crew						
Add offence d	etails for	person on shi	p 1.	Add o	ffence	Remove offence
Add witness				Add w	vitness	Remove witness

### Summary of facts—explain incident & investigations conducted

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

Marine incident investigation report

At 1340 hours on 2 December 2020 Williams contacted	PI	of the injured
child, PI to obtain a recorded version of events	. PI	
PI		
Analysis of the available evidence determined that there is insuthat a marine incident occurred as defined by s123 TOMSA and any breaches of TOMSA including the s125 requirement to rep	l further insufficien	t evidence of

### **Contributing factors**

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

Human contributing	g factors				
☐ Alcohol or drugs		☐ Insecure mooring			
Commercial pressure	e	☐ Insufficient crew numbers			
Excessive speed		☐ Insufficient fuel			
Failure to wear engi	ne kill switch lanyard	☐ Insufficient maintenance			
Failure to wear PFD		☐ Insufficient planning			
Fatigue		Navigation error—failure to keep proper lookout			
Inadequate training	of crew	Navigation error—other			
☐ Inappropriate advice	e to ship—Harbour Control/Port Authority	Navigation error—violation of Colregs			
☐ Inappropriate advice	e to ship—Pilot	Operational error—other			
☐ Inappropriate advice	e to ship—Vessel Traffic System	Overloading			
☐ Inappropriate instru	ctions to crew—other	Poor communications			
Inappropriate instru	ctions to crew—poor communications	Poor ship to shere communications			
		Uiolation of standard procedures			
☐ Inexperience or lack	of knowledge	☐ Violation of statutory rules or standards			
Other (human):	Other on board incident resulting in injury t	o iuvenile passenger			
other (namari).	other on source incident resulting in righty c	o juverinie passeriger			
Material contributing	g factors	73)~			
☐ Bridge or navigation	failure	☐ Inadequate stability—shifting cargo			
☐ Electrical failure		☐ Inappropriate hull or equipment—construction fault			
Equipment failure - o	other	Inappropriate hull or equipment—design fault			
Fuel or gas leak		Inappropriate hull or equipment—insufficient maintenance			
Hull failure		☐ Insufficient safety equipment			
☐ Inadequate stability-	—other	☐ Machinery failure			
☐ Inadequate stability-	—overloading	Shore structure badly designed built or maintained			
Other (material):	(5)				
	(7) 7				
Environmental contr	ributing factors				
Abnormal tidal cond	itions	Hazardous waters—uncharted hazards			
Bar conditions		Heavy traffic area			
☐ Floating or submerged object		Poor visibility			
Hazardous season (cyclones etc)		Sea state			
Hazardous waters—coral reefs		Wash of passing vessel			
Hazardous waters—lack navigation aids		☐ Wind			
Hazardous waters—	shifting channel				
Í					
Other (environmental):	ther (environmental):				

Marine incident investigation report

### Findings

Add findings

Remove last finding

1. Insufficient evidence that a marine incident occurred
2. No. s125 TOMSA offence for failing to report given that a marine incident can not be evidenced.

### Conclusions

No evidence that a marine incident occurred. No evidence of any breaches of TOMSA. No further action required.	
	4

**Completed actions** 

Acknowledg (Not applicable to	ement letter sent TOMPA incidents)		Attached	
CaseMan file (Not applicable to	e closed or reassigned o TOMPA incidents)	$\boxtimes$	Attached	$\boxtimes$
Marine incid	ent categorised	$\boxtimes$	Attached	
Ship inspect	ion report (monitoring inspection completed)		Attached	
Written dired	ction issued		Attached	
Photographic evidence taken			Attached	
Exhibits seize	ed		Attached	
Witness state	ements	$\boxtimes$	Attached	$\boxtimes$
MIN issued			Copy attached	
Evidence	EROI	$\boxtimes$	Attached	
Other	Beacon to beacon charts, recorded version PI	$\boxtimes$	Attached	
POLREP form sent			Copy attached	
CaseMan incident, ship and person records updated and validated			Brett Williams	
			By whom (entername	2)

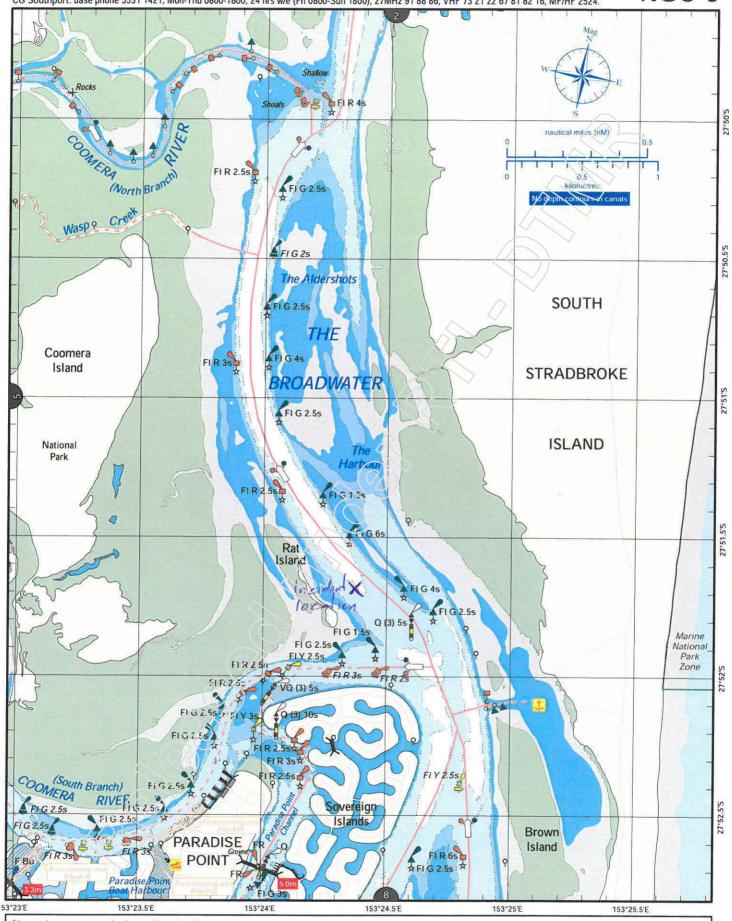
### For consideration by Compliance Section

No furthe	er action required—copy of file forwarded for review—c	riginal file retained in region and closed.
N.		
Repor	rt completed by	
i icpoi		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
		/2
Name:	Brett Williams	
Position:	Manager (Compliance)	
		)
_		
Repor	rt endorsed by	
Name:	Brendan Philp	
Position:	Principal Manager (CEE)	
	907	
CaseM	Man updated by	
Casciv	viair apadiced by	
	(73)~	
Name:	Brett Williams	
Position:	Manager (Compliance)	

Marine incident investigation report

Form F3072 ES v04 Sep 2013

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Always keep a proper lookout when boating.

Look up and live for power and cable crossings that may not be shown on these maps due to scale or recent construction.

For depth contour date information, refer to the Key Sheet for this guide. Note that depths may change following floods. Exercise care when travelling outside suggested navigation tracks.

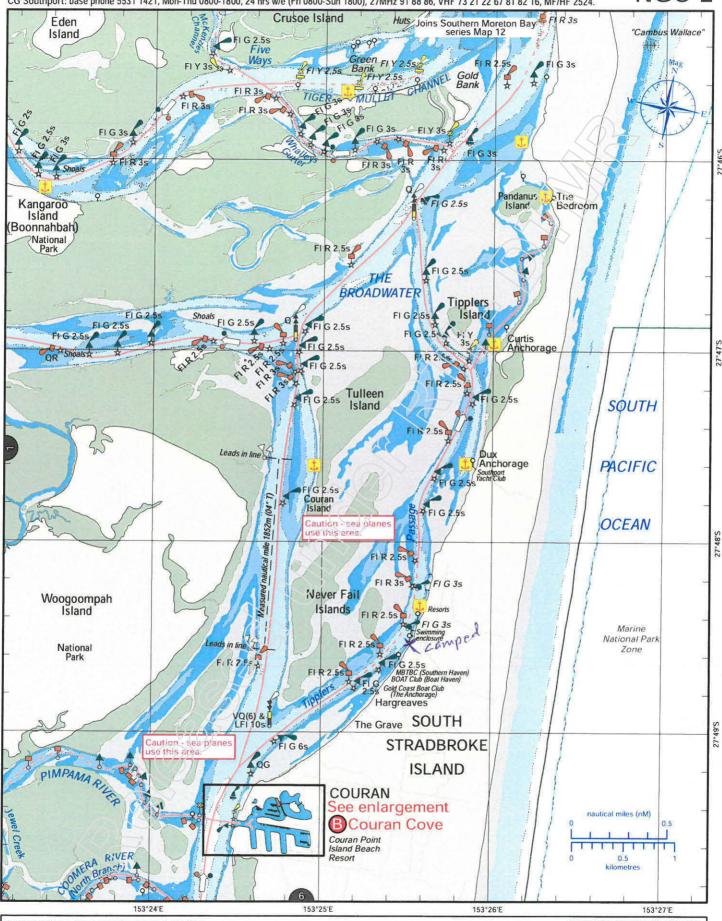
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Nautical information current to 6 July 2020





VMR Jacobs Well: base phone 5546 1100, 24 hrs 7 days, 27MHz 88 91, VHF 16 67 82, MF/HF 2112 2182 2201 2524 4125 6215. CG Southport: base phone 5531 1421, Mon-Thu 0800-1800, 24 hrs w/e (Fri 0800-Sun 1800), 27MHz 91 88 86, VHF 73 21 22 67 81 82 16, MF/HF 2524.



Always keep a proper lookout when boating.

Look up and live for power and cable crossings that may not be shown on these maps due to scale or recent construction.

For depth contour date information, refer to the Key Sheet for this guide. Note that depths may change following floods. Exercise care when travelling outside suggested navigation tracks.

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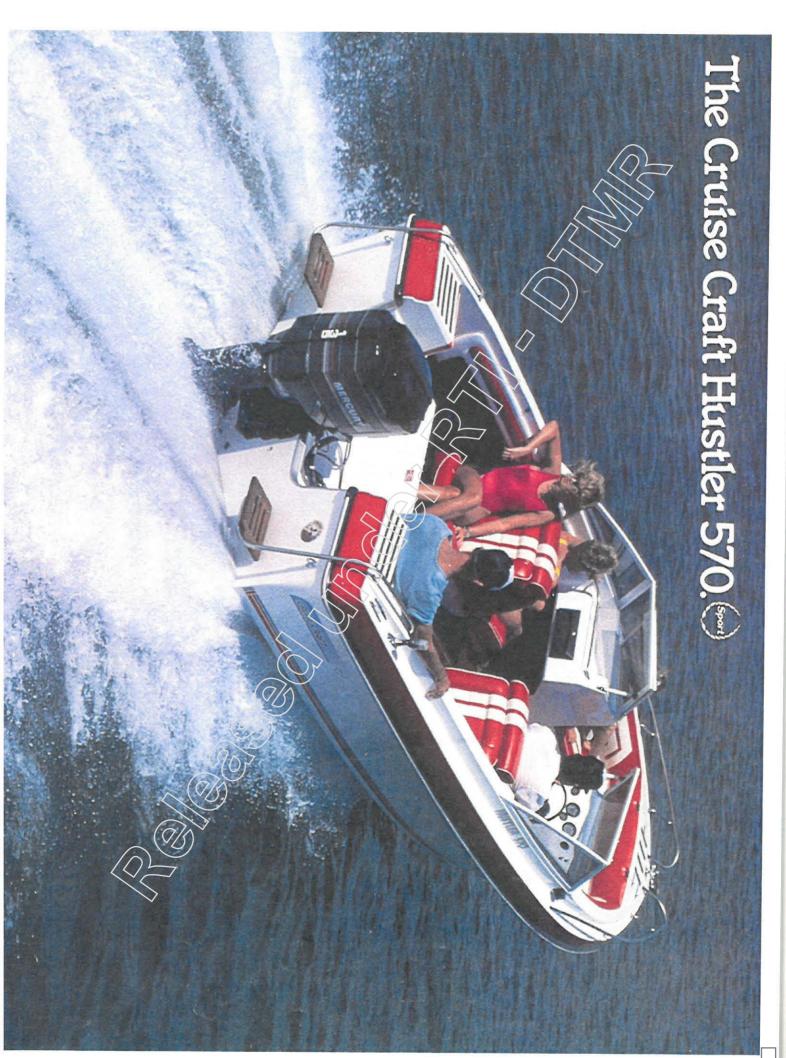
Nautical information current to 6 July 2020



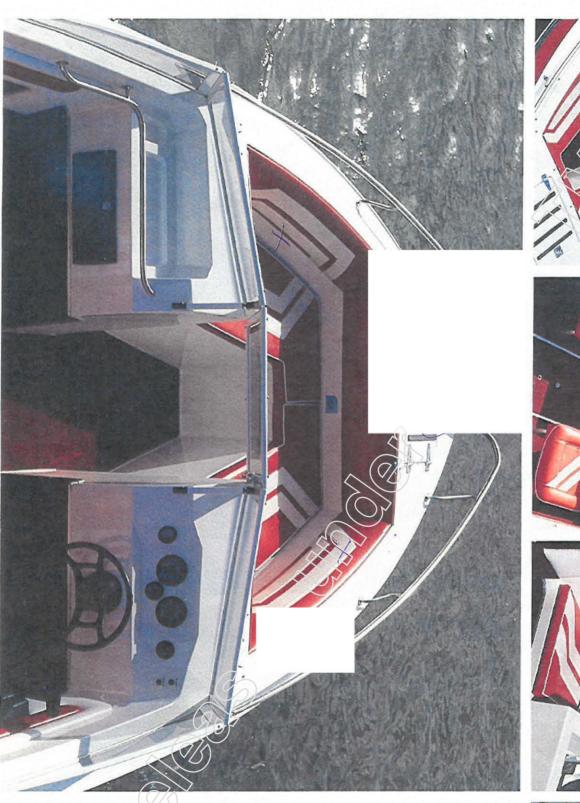


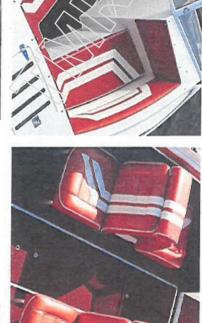


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Page Number: 24 of 41







and bright and provides alter and impressive list of standar enough for the whole gang ar For sporty, fun families. Big The Hustler 570 Sport has a l heir gear - bold in performa In true Cruise Craft traditic The forward bow rider is b

he Hustler 570 Sport, a Ci

lounges for sunning or relaxi ordinated seating that can be is tastefully appointed with c planned with ample storage a The total dashboard has be The cockpit area has been

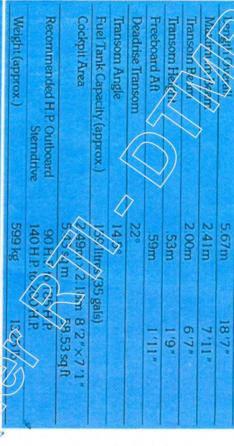
equipped family. well equipped boat, for the w instrumentation. The Hustler 570 Sport. The

accommodate your choice of

thoughtfully designed to

sate seating for children or ad Craft that doubles as a spacec 25 of 41

# Specifications of The Hustler 570.



FEATURES COCKPIT-STANDARD

arge upholstered side pockets for storage

ockable glove box

Fully upholstered moulded rear /S passenger dashrai

arge under floor storage area.

Battery pad. Well-appointed dash for

instruments.

FACTORY FITTED OPTIONS

racyduce/ bas ackboard (sterndrive model) panie or sterndrive version

Richly upholstered folding sleeper

Fully carpeted cockpit area

Sucket seats in lieu of folding

ockpit table ILNOXOLIT ILNOXOLIT

> High quality gelcoat in vibrant STANDARD FEATURES DECK AND HULL-

H.D. mechanical steering colours.

Bow eye.

oki hooks

otern cleats leavy duty bollard on fore deck rain plugs. arge bow roller with safety pin

Anchor locker with hatch and pening screen for access to overboard drain.

ion skid battens on fore and aft forward bowrider

olour co-ordinated framed antiavigation lights. glare windscreen.

Inderfloor fuel tank with electric S/S aft hand rails with boarding nine and deck tapes. allt low profile S/S bow rail. gauge

Your Cruise Craft dealer

CRUISE CRAFT BOATS ARE COVERED BY 12 MONTHS WARRANTY.

# 

Manufactured by Nichols Bros., 1308 Lytton Road, Hemmant, Brisbane. Q. 4174. Phone (07) 390 4967

) (Sport)

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

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From:

To: Brett J Williams

Subject: RE: Alleged failure to report marine incident - CONFIDENTIAL

**Date:** Thursday, 5 November 2020 2:04:08 PM

Attachments: <u>image004.jpg</u>

image001.jpg

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

Regards,



From: Brett J Williams < Brett.J.Williams@msq.qld.gov.au>

Sent: Thursday, 5 November 2020 11:30

To Cc

Subject: RE: Alleged failure to report marine incident - CONFIDENTIAL

Good morning

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

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

Kind Regards,

### **Brett Williams**

Manager (Compliance) | Policy, Planning & Regulation

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

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Floor 2   61 Mary Street   Brisbane Qid 4000	
PO Box 2595   Brisbane Qld 4001	
(07) 3066 3939   M: NR	
brett.j.williams@msq.qld.gov.au	
www.msq.qld.gov.au www.tmr.qld.gov.au	
www.triir.qia.gov.au	
From	
Sent: Thursday, 5 November 2020 10:56 AM	
<b>To:</b> Brett J Williams < <u>Brett.J.Williams@msq.qld.gov.au</u> >	>
Cc:	
Subject: Alleged failure to report marine incident - CONFIDENTIAL	
Importance: High	
Brett,	
$\wedge$	
As discussed yesterday, is alleged to have failed to report a marine incide	ent that
he was involved in in his personal vessel. This forms part of an internal investiga	ation
being conducted by into the actions of As MSQ are usually the lea	
agency in investigating this type of incident, I wish to refer this alleged failure to report t	
	.o your
agency.	
The information received was the as traveling in the	
Broadwater off South Stradbroke Island at about 12pm on Saturday 5 September 2020,	when he
has hit another vessel's wake. This has caused PI	
PI to fall forward and hit her mouth. As a result PI has broken her front adu	It tooth
almost at the base which required her to attend a dentist to have a cap inserted over th	e tooth.
I have spoken to who admitted that the incident took place, however he stated that	at it
occurred as he slowed down to avoid the wash. stated that he thought the injury	
minor so didn't report it, but admitted upon reflection now that he thought it was a mai	rine
incident and was aware of his obligations to report this in accordance with the TOMSA.	
could provide no reasonable excuse for failing to do so if this is in fact deemed to be a m	narine
incident. tated that he took PI to the dentist on Monday 7 September 202	20 to
have the tooth repaired.	
He holds commercial qualifications as a Ma	stor 5
and MED 2. He is also an The vessel utilised was a 1989 (	
	Juise
Craft 5.7m bowrider (Qld reg. which is registered to	
As discussed, I am trying to ensure that this matter remains confidential so that ca	n
without the fear of Fro	
Without the leaf of Fro	om an
	om an
internal perspective, we do have some time frames around complaints so I respectfully internal this matter is dealt with in a timely fashion.	om an

Page Number: 28 of 41

If you have any questions please let me know.



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### **Marine Licence History Summary**

**Customer** 

Reference Birth Date

Address

**Product** RECREATIONAL MARINE DRIVER LICENCE

Search

From Date To Date Action

	Invalid	Action	System Date	Action Date	Description
ſ	N	CONV	19/02/2000	29/12/1993	CONVERSION OF MARINE LICENCE

Total number of records

1

Nov 26, 2020 7:12 AM Page 1 of 1

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### Registration History Summary by Plate Number

Customer Birth Date

Address

**Postal** 

SIN 040585 Engine OT591065

**Description** 5.7M CRUISE CRAFT HUSTLER BOWRIDER FIBREGLASS (GPR)

Search

From Date		To Date		Action	
Invalid	Action	System Date	Action Date	Description	
N	RENW	22/10/2020	22/10/2020	22/10/2020,TOTL 223.85DR SRUS 23.05DR SREG 200.80DR	
N	PAY	04/12/2019	04/12/2019	TOTL 219.90DR SRUS 22.65DR SREG 197.25DR	
N	NBUS	04/12/2019	04/12/2019	AUS,SBOT,PRIV, 12M Exp:03/12/2020,TOTL 219.90DR SRUS 22.65DR SREG 197.25DR,StorMeth:RT,StorPlce:PR	
N	UPDT	04/12/2019	04/12/2019	RECREATIONAL SHIP BEAM 2.4M TO 2M, HEIGHT 1.9M TO 1.2M, DRAFT .3M TO .5M, PRI COLOUR WHI TO BLU, PREV PLATE TO TA858Q QLD+	

Total Number of Records 4

26/11/2020 07:06 AM

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### **Catherine R Troccaz**

From: **Brett J Williams** 

Sent: Monday, 7 December 2020 1:24 PM

Brendan J Philp To:

Subject: **Investigation Report** 

Marine & Pollution Incident Investigation Report.pdf **Attachments:** 

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

Kind Regards,

### **Brett Williams**

Manager (Compliance) | Policy, Planning & Regulation

NR

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

Floor 2 | 61 Mary Street | Brisbane Qld 4000

PO Box 2595 | Brisbane Qld 4001

(07) 3066 3939 | M:

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

www.msq.qld.gov.au

www.tmr.qld.gov.au

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# Marine & Pollution Incident Investigation Report

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

Marine incident investigation report Form F3072 ES v04 Sep 2013 Page 1 of 8

### Summary

Regional office: Compliance Unit DMS File No:					
Incident date: 05/09/2020 Time of incident: Afternoon Date reported:					
Category: Category 4 Incident type: Onboard Incident—Other Onboard Injury					
MSQ attended: Officers attending:		Contact No:			
QPS attended:  Officers attending:		Contact No:			
QAS attended:  Officers attending:		Contact No:			
QBFP attended: Officers attending:	1177	Contact No:			
Aquatic event: (copy of permit attached)	4				
Evidence		dd evidence Remove evidence			
Restitution Nil Example: costs of oil response, damage to beacons, total cost of repair	rs and so on (attach quotes	/invoices to report)			
Location					
Body of water / landmark: Broadwater, Gold Coast					
Latitude:27.8610  Latitude & longitude must be recorded in decimal format for entry into	Longitude: 153.400 or the CaseMan system. All C				
format must be converted to decimal degree format for entry. For exa	mple 16°30'S would becom	e -16.5000 degrees.			
Waters: Smooth waters (incl. tidal rivers & creeks)					
Conditions					
Weather: Clear	Visibility: Good				
Water: Calm Wind: Moderate (force 3-4 / 7-15 knts)					
Tide: Unknown					
Pollution					
Source Ship: Land: Unknown: Pollutant Sheen: Diesel: Bilge:	HFO: ☐ Other:				
Extent Special Diesel. Blige.	or				
Size of slick (length and width in metro	l	itres			

 ${\it Marine\ incident\ investigation\ report}$ 

Form F3072 ES v04 Sep 2013

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### Ships involved

Add ship

Remove last ship

Ship 1.						
Ship name :						
Owners name:	,		***************************************			
Owners address:						
Ship type:	Recreational		Ship class: Recrea	itional		
Ship description:	5.7m Cruise	craft Hustler Bowrider	,			>
Reg no:		Вс	oat mark:			RUF:
Registering authority:	TMR		Port of registr	у:		
Registration expiry:	03/12/2021					
Length (in metres):	5.7	Beam (in metres)	2	Cons	struction:	Fibreglass
Engine type:	Outboard	ſ	No. of engines: 1		Total pov	ver (kW): 111.8
Last monitoring date:		Written direct	tion:			
Previous incidents:	Nil					
Master of ship	1.		<i>(</i> ( <i>y</i> )			
Masters name:			Place of bi	irth:		
Masters address:					Date of	birth:
Home phone:		Mobile phone:		Work	, cphone:	
Email address:			Statement/RC	DI: 🔀	Coerciv	e powers used:
Marine licences: RMD	L, PWCL, Master	 <24m NC				
Add deceased	or injure	d persons on s	hip 1.	Add inj.	person	Remove Inj. person
Add crew on sl	nip 1.			Add	crew	Remove crew
Add offence details for person on ship 1.  Add offence Remove offence					Remove offence	
Add witness				Add w	ritness	Remove witness

### Summary of facts—explain incident & investigations conducted

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

Marine incident investigation report Form F3072 ES v04 Sep 2013

At 1340 hours on 2 December 2020 Williams contacted	PI	of the injured
child, PI to obtain a recorded version of events	. PI	
PI		
Analysis of the available evidence determined that there is insuthat a marine incident occurred as defined by s123 TOMSA and any breaches of TOMSA including the s125 requirement to rep	l further insufficien	t evidence of

### **Contributing factors**

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

Human contributing factors					
Alcohol or drugs		☐ Insecure mooring			
Commercial pressure		☐ Insufficient crew numbers			
Excessive speed		☐ Insufficient fuel			
Failure to wear engine kill switch lanyard		☐ Insufficient maintenance			
Failure to wear PFD		☐ Insufficient planning			
Fatigue		Navigation error—failure to keep proper lookout			
☐ Inadequate training of crew		Navigation error—other			
Inappropriate advice to ship—Harbour Control/Port Authority		Navigation error—violation of Colregs			
Inappropriate advice to ship—Pilot		Operational error—other			
☐ Inappropriate advice to ship—Vessel Traffic System		Overloading			
☐ Inappropriate instructions to crew—other		Poor communications			
☐ Inappropriate instru	ctions to crew—poor communications	Poor ship to shere communications			
		☐ Violation of standard procedures			
☐ Inexperience or lack	of knowledge	☐ Violation of statutory rules or standards			
Other (human):	Other on board incident resulting in injury t	o juvenile passenger			
Material contributin	g factors	78)			
☐ Bridge or navigation	failure	☐ Inadequate stability—shifting cargo			
☐ Electrical failure		☐ Inappropriate hull or equipment—construction fault			
Equipment failure - other		☐ Inappropriate hull or equipment—design fault			
Fuel or gas leak		☐ Inappropriate hull or equipment—insufficient maintenance			
☐ Hull failure		Insufficient safety equipment			
☐ Inadequate stability—other		☐ Machinery failure			
☐ Inadequate stability—overloading		Shore structure badly designed built or maintained			
Other (material):	Other (material):				
	(1/2)				
Environmental conti	ributing factors				
Abnormal tidal conditions		Hazardous waters—uncharted hazards			
☐ Bar conditions		☐ Heavy traffic area			
Floating or submerged object		Poor visibility			
Hazardous season (cyclones etc)		Sea state			
Hazardous waters—	coral reefs	Wash of passing vessel			
Hazardous waters—	lack navigation aids	Wind			
☐ Hazardous waters—shifting channel					
Other (environmental):					

Marine incident investigation report

### Findings

Add findings

Remove last finding

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

### Conclusions

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

**Completed actions** 

Acknowledgement letter sent (Not applicable to TOMPA incidents)			Attached	
CaseMan file closed or reassigned (Not applicable to TOMPA incidents)		$\boxtimes$	Attached	$\boxtimes$
Marine incident categorised		$\boxtimes$	Attached	
Ship inspection report (monitoring inspection completed)			Attached	
Written direction issued			Attached	
Photographic evidence taken			Attached	
Exhibits seized			Attached	
Witness statements		$\boxtimes$	Attached	$\boxtimes$
MIN issued			Copy attached	
Evidence	EROI	$\boxtimes$	Attached	
Other	Beacon to beacon charts, recorded version PI	$\boxtimes$	Attached	
POLREP form sent			Copy attached	
CaseMan incident, ship and person records updated and validated		$\boxtimes$	Brett Williams	
			By whom (entername	2)

### For consideration by Compliance Section

No furthe	r action required—copy of file forwarded for review—original file retained in region and closed.
Renor	t completed by
nepoi	t completed by
Name:	Brett Williams
Position:	Manager (Compliance)
Repor	t endorsed by
–	
Name:	Brendan Philp
Position:	Principal Manager (CEE)
Case N	1an updated by
Name:	Brett Williams
Position:	Manager (Compliance)

Marine incident investigation report

Form F3072 ES v04 Sep 2013

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