

## **Inquest into the sinking of the FV *Cassandra* and the FV *Dianne***

On 4 April 2016 the FV *Cassandra* was lost at sea, on board was David Barry Chivers and Matthew Neil Roberts. On 16 October 2017 the FV *Dianne* was lost at sea, on board the FV *Dianne* was Adam Jeffrey Bidner, Zachary John Feeney, Adam Ross Hoffman, Benjamin Patrick Leahy, Christopher David Sammut and Eli Davey Tonks.

Central Coroner O'Connell conducted a joint inquest due to the similarity of circumstances and delivered his findings on 29 August 2019. The coroner directed a recommendation to the Queensland Government.

The Queensland Government responds to coronial recommendations directed to Queensland Government departments by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported.

The coroner directed recommendation 9 to the Queensland Department of Agriculture and Fisheries. The department will provide implementation updates to recommendation 9 until the recommendation is delivered. Further information relating to the implementation of recommendations can be obtained from Minister for Agricultural Industry Development and Fisheries.

The Department of Agriculture and Fisheries is responsible for administering the *Fisheries Act 1994* ('the Act') and its associated subordinate legislation. The purposes of the Act do not include monitoring safety in relation to either commercial or recreational fishing in Queensland.

Currently Maritime Safety Queensland (MSQ), an agency within the Department of Transport and Main Roads, is the department with responsibilities for administering legislation, including the *Maritime Safety Queensland Act 2002* and the *Transport Operations (Marine Safety) Act 1994* and its associated subordinate legislation. This legislation regulates safety for recreational boating activities in Queensland.

The Australian Maritime Safety Authority (AMSA) is Australia's national agency responsible for maritime safety and maritime aviation search and rescue. AMSA administers legislation including the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth) and its associated subordinate legislation. AMSA regulates safety with respect to commercial fishing operations.

Whilst the Department of Agriculture and Fisheries does not administer any of the legislation that deals with ensuring the safety of commercial and recreational fishers, some Queensland Boating and Fisheries Patrol (QBFP) officers are authorised under the legislation administered by AMSA and MSQ. The services provided by QBFP on behalf of these agencies is provided for via memorandums of understanding. Services provided on behalf of AMSA are limited to commercial fishing vessels and do not extend to professional/technical issues such as electrical safety standards/lighting etc.

The department is responsible for responding to recommendation 9 as that recommendation is aimed at ensuring that information held by the department (through VMS) can be effectively utilised by the Queensland Police Service in its search and rescue operations. As part of its response to recommendation 9, the department is also taking steps to provide this information to AMSA with the aim of enhancing AMSA's search and rescue operations.

### **Recommendation 9**

The Department of Agriculture and Fisheries immediately implement the sharing of the 'failure to poll' function of the vessel monitoring system to allow the Queensland Police Service to be immediately notified by text (SMS) and email of any failure to poll by a vessel.

Response and action: the recommendation is agreed in part and implementation is in progress.

Responsible agency: Department of Agriculture and Fisheries.

On 25 March 2020 the Minister for Agricultural Industry Development and Fisheries responded:

The Minister for Agricultural Industry Development and Fisheries agrees with the intent of the recommendation but will implement the recommendation in a different way to achieve the same result. The department has always taken steps to ensure that data from its Vessel Monitoring System (VMS) is made available to appropriate authorities, namely by providing its last known positions of vessels and information on nearby vessels to Maritime Safety Queensland (MSQ) and the Australian Maritime Safety Authority (AMSA), to assist with search and rescue operations in Queensland waters.

Since the making of the recommendation the department and the Queensland Police Service (QPS) have entered into a memorandum of understanding (MOU) which allows the department to provide QPS with a live feed of vessel tracking data from its VMS.

As of 1 January 2019, vessel tracking has been required on all commercial fishing vessels operating in the trawl, net, line and crab commercial Fisheries. Previously, vessel tracking had only been required in the trawl commercial fisheries. Whilst the requirement in the trawl commercial fisheries is for polling at 15 minute intervals, the requirement in the net, line and crab commercial fisheries is for polling at five minute intervals. During the time that the department has monitored the VMS data it has been apparent that false alarms resulting from failures to poll occur fairly frequently. Having considered the scope of recommendation 9, the department has determined that it is preferable for QPS to be provided with a live stream of the VMS data, rather than simply sharing the failure to poll function of the VMS. This will allow QPS to set up appropriate internal notification systems suitable for its own requirements and will also assist in search and rescue efforts by identifying last positions and other nearby vessels that can assist.

In addition to providing a live feed of data to QPS, the department has also identified that AMSA, in its role as the lead agency for search and rescue operations in Australia, will also be assisted in the performance of its functions from being provided with a live feed of the department's VMS data. The department has received advice from AMSA that the emergency position-indicating radio beacon (EPIRB) station satellite detection system remains the best and most reliable distress system, but that VMS data will provide extremely valuable complementary information on the position of any vessel in distress as well as nearby vessels that can also assist in search and rescue efforts. The EPIRB system is monitored at all times (24 hours per day and seven days per week) by AMSA and is actioned in a matter of minutes. AMSA has further mandated that from 1 January 2021, float-free EPIRBs will be required on certain types of domestic commercial vessels.

Combined, it is hoped that these measures will significantly improve the effectiveness and efficiency of search and rescue efforts in a coordinated manner across agencies in Queensland and nationally. The department continues to work collaboratively with all agencies with search and rescue responsibilities.

The department will continue to work with AMSA to finalise the proposed information sharing agreement so that the provision of a live feed of data to that agency can commence as soon as possible. In the meantime, the department will continue to provide location information to AMSA and QPS manually to assist with search and rescue activities.

QPS has provided a security certificate of compliance, as per the MOU, to ensure the security of fishers' private information. A live feed will be provided to QPS once specific users and their details are finalised.

The department will also continue to work collaboratively with both QPS and AMSA during the implementation phase of the MOU/information sharing agreements with both agencies.