



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: Inquest into the suspected death of Patrick Hugo Barnett-Lonergan

TITLE OF COURT: Coroner's Court

JURISDICTION: Mackay

FILE NO(s): 2011/927

DELIVERED ON: 8 August 2012

DELIVERED AT: Mackay

HEARING DATE(s): 30 July 2012, 6 August 2012, 7 August 2012

FINDINGS OF: John Hutton, Coroner

CATCHWORDS: CORONERS: Inquest – Missing person, fishing trawler

REPRESENTATION:

Counsel Assisting: Mr Chris Minnery, Office of the State Coroner

Maritime Safety QLD: Ms Melinda Zerner of Counsel, Instructed by Department of Transport and Main Roads

Family of Mr Barnett-Lonergan: Mr Vince Campbell of Amiet and Macrossan Lawyers

Findings pursuant to section 45 Coroners Act 2003 QLD

Identity of the deceased – Patrick Hugo Barnett-Lonergan

How he died – I find that Patrick Hugo Barnett-Lonergan died due to accidentally falling overboard from the MV Guiding Star in the early evening of 10 September 2010 and not being recovered or surviving his immersion, in circumstances non-suggestive of foul play, the deliberate actions of another person or suicide.

Place of death – I find that Patrick Hugo Barnett-Lonergan died at sea, in waters east of Mackay, within the territorial limits of the State of Queensland.

Date of death– I find that Patrick Hugo Barnett-Lonergan died on or shortly after 10 September 2010, and probably prior to 13 September 2010.

Cause of death – I find that Patrick Hugo Barnett-Lonergan died at sea. He most likely drowned in circumstances of exposure to the elements, however I am unable to determine a precise cause of death on the evidence.

Introduction, Background and Factual Circumstances

1. Mr Barnett-Lonergan was a citizen of the United Kingdom. He arrived in Australia on 3 August 2010 with his travelling companion, Mr Guy Bowen. They spent some time in Brisbane and they travelled north to find work in Mackay. On the 4th of September 2010 they met Mr James Hicks, the skipper of the MV Guiding Star, a fishing vessel operating out of Mackay.
2. An agreement was reached for Mr Bowen and Mr Barnett-Lonergan to work on the boat in a fishing venture, for a percentage of the catch.
3. This was the first time that either Mr Barnett-Lonergan or Mr Bowen had worked on a commercial fishing boat. Mr Hicks gave both Mr Bowen and Mr Barnett-Lonergan a verbal brief on where the safety equipment was, and the safety procedures.
4. The fishing trip commenced at 6pm on 4 September 2010.
5. The proposal was a week-long fishing trip, but the vessel experienced gear problems, and the decision was made to return to Mackay harbour for repairs on 10 September 2010. The vessel had been fishing near

Square Reef, and returned to Mackay harbour travelling at 7.5 knots. The weather was calm and the outriggers on the vessel were extended.

6. The boat fished throughout the night, and on the morning of 10 September 2010 both Mr Bowen and Mr Barnett-Lonergan did not get a lot of sleep, deciding to take advantage of the good weather. Both Mr Bowen and Mr Barnett-Lonergan drank beer through the day (Mr Bowen recalls Mr Barnett-Lonergan would have consumed eight to ten full strength beers during the course of the day), commencing at about lunch time. In the afternoon Mr Barnett-Lonergan was photographed on the vessel before the sun set. These photographs show Mr Barnett-Lonergan shirtless.
7. At 6:02pm Mr Bowen went into the wheelhouse to access the computer. Mr Barnett-Lonergan remained on the roof of the wheel house. A few minutes after 6pm (on Mr Bowen's recollection) Mr Barnett-Lonergan came into the wheelhouse to get his iPod, and left the wheelhouse. He was last seen by Mr Bowen at this time. Mr James Hicks was in the wheelhouse, and saw Mr Barnett-Lonergan go up on the roof of the galley, heading up to the roof of the wheelhouse. This was the last time Mr Barnett-Lonergan was seen by anyone.
8. About an hour later, Mr Bowen went to the roof to tell Mr Barnett-Lonergan that dinner was ready, but he could not locate him. The alarm was raised, the vessel was searched, with nothing being found of Mr Barnett-Lonergan. An unopened can of beer was found on the roof.
9. Prior to this, Mr James Hicks, master of the vessel, had consumed alcohol. When told about Mr Barnett-Lonergan being missing, he searched the vessel and called for assistance. In making that radio call (a transcript of which is on the evidence) he incorrectly identified how long Mr Barnett-Lonergan had been missing (he said two hours, where it was likely approximately an hour, although this error was corrected fairly quickly). The GPS unit on the boat was not set to 'track' as the vessel was heading back to port for repairs, and because leaving it constantly on track would lead to confusing entries on the mapping software. This led to a process of trying to estimate the location at which Mr Barnett-Lonergan went missing, which ended up in error. This error was not formally corrected until early the next morning.
10. Authorities were contacted and an air, sea and land search immediately commenced. The search was initially complicated by incorrect information from Mr Hicks, it quickly encompassed a much larger area than would be affected by these errors. The search continued from 10 September 2010, when Mr Barnett-Lonergan was reported missing, through to cessation on 15 September 2010. Broadcasts to all vessels in the area commenced at 7:20pm, and four vessels were involved in the initial overnight search, including the Guiding Star. The search also included some limited use of a rescue helicopter, which couldn't largely assist because it was too dark, and a

Dornier search and rescue aircraft with FLIR (Forward-Looking Infra-Red) equipment.

11. Police officers boarded the Guiding Star at about 10pm 10 September 2010 to assist with the search. It was at about this point that the errors in time and location were picked up, and corrected.
12. At 7am 11 September 2010 police officers involved in the search were able to correctly determine the location of the Guiding Star at the time Mr Barnett-Lonergan went missing as latitude 20 58.25 south longitude 149 30.6 east, using positioning data rather than data from the Guiding Star itself.
13. Day two of the search involved ten aircraft (seven helicopters, three fixed wing aircraft) and covered approximately 350 square nautical miles. Conditions were excellent for searching.
14. Every island land mass, rock, beacon and anything to which a person could cling, or get out of the water were searched using vessels. Local skippers with extensive knowledge of the area were called upon. Drift, weather and wind data were used to determine drift patterns and other matters to assist in the search.
15. Day three of the search involved nine aircraft and four vessels, including re-searching every land mass, rock or other area in the search area. Day four and five involved further searching on foot of every land mass of significance.
16. A survival expert determined that Mr Barnett-Lonergan could not have travelled outside of the search area, and had he made it to land it would have to have been one of the land masses searched. He also determined that without landfall Mr Barnett-Lonergan could not have survived beyond 12 September 2010 (day three of the search).
17. The search was called off after five days, with no sign of Mr Barnett-Lonergan.
18. A police investigation determined that there were four people on board the Guiding Star during its trip – Mr Barnett-Lonergan, Mr Bowen, the skipper James Hicks and his brother/crewmember John Hicks.
19. There was no evidence of enmity between Mr Bowen and Mr Barnett-Lonergan during the trip. The evidence of the Hicks brothers is that they appeared to be close friends.
20. The Guiding Star was forensically examined, and nothing was located to suggest foul play in the disappearance of Mr Barnett-Lonergan. There was also no evidence of a staged disappearance.

21. Standard missing persons inquiries (SC Claire Gillespie, Missing Persons Unit, Homicide Investigation Group, State Crime Operations Command) on Medicare, registers of death, police (Queensland and interstate) intelligence and indexes, Centrelink, DIMIA, the AEC and all financial institutions showed no activity consistent with Mr Barnett-Lonergan being still alive after he went missing.

Discussion of the evidence

22. There is no evidence to support any finding of foul play, suicide or involvement of another person in Mr Barnett-Lonergan going overboard.
23. There is insufficient evidence to determine the precise mechanism by which Mr Barnett-Lonergan fell overboard – possibilities raised on the evidence are that he slipped when trying to get up to, or get down from, the roof of the wheelhouse on the Guiding Star, that he was out on the outriggers of the boat and fell into the water, or that he was urinating over the side of the boat and fell overboard.
24. As no body was recovered, it is impossible to make a specific finding as to how Mr Barnett-Lonergan died. The likelihood is that he drowned in circumstances of exposure and exhaustion, he was not a strong swimmer nor extensively physically fit, he would likely tire, possibly dehydrate, having suffered the effects of prolonged exposure to the sun during the previous day, he may have been affected by alcohol and he had not eaten in the hours before he went overboard.
25. There is sufficient evidence to conclude that Mr Barnett-Lonergan died, as is required by section 45 (1) Coroners Act 2003. An extensive search failed to locate him, there are no signs of activity on usual missing person checks (financial, medical, with his family and the like) and no signs suggestive of a staged disappearance.
26. I find no evidence of suicide. There is only the briefest of mentions of Mr Barnett-Lonergan being depressed earlier in his life, and nothing recent to his disappearance. There are no other indicia of suicide on the evidence, such as discussions of hopelessness or depression recent to his disappearance, withdrawing, changes in mood or behaviour, changes in attitude or appetite or socialisation and so on. The whole body of the evidence supports a finding that Mr Barnett-Lonergan accidentally fell overboard and subsequently died.